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Volume 3.—No. 49 (Coast Survey).
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47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 71.

REPORTS

OF

CAPTAIN L. A. BEARDSLEE,

U. S. NAVY,

RELATIVE TO

AFFAIRS IN ALASKA,

AND THE

OPERATIONS OF THE U. S. S. JAMESTOWN

UNDER HIS COMMAND,

WHILE IN THE WATERS OF THAT TERRITORY.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1882.

LETTER

FROM

THE SECRETARY OF THE NAVY,

TRANSMITTING,

In response to Senate resolution of January 18, 1882, *the reports of Capt. L. A. Beardslee, United States Navy, relating to affairs in the Territory of Alaska, and the operations of the U. S. ship Jamestown, under his command, while in the waters of that Territory.*

JANUARY 24, 1882.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, January 19, 1882.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of January 18, 1882, and to transmit the reports of Capt. L. A. Beardslee, United States Navy, relative to affairs in the Territory of Alaska, and the operations of the United States ship Jamestown, under his command, while in the waters of that Territory.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM H. HUNT,
Secretary of the Navy.

Hon. DAVID DAVIS,
President of the Senate.

LETTER OF TRANSMITTAL.

Capt. L. A. Beardslee to the Secretary of the Navy.

NAVY DEPARTMENT,
Washington, D. C., April 28, 1881.

SIR: I have the honor to submit herewith a report prepared by me in obedience to the orders of the department, dated November 17, 1879, in which I am instructed to prepare a report of my operations while in command of the U. S. S. Jamestown, stationed at Sitka, Alaska, which order was subsequently modified by verbal instructions to include in the report such information in regard to Alaska as I had obtained during my command.

I have therefore added papers treating on the character of the country and of its inhabitants, its resources, and meteorological phenonema. The collation and arrangement of the data on this subject, although embraced in twenty pages, has occupied a large proportion of the time since I was assigned to the duty.

I most respectfully submit, in connection with this report, the accompanying copies of letters from the honorable Secretary of the Navy, R. W. Thompson, and the chief of the Bureau of Navigation.

I am, very respectfully,

L. A. BEARDSLEE,
Captain, U. S. N.

Hon. WM. H. HUNT,
Secretary of the Navy.

Chief of the Bureau of Navigation to Captain Beardslee.

BUREAU OF NAVIGATION, NAVY DEPARTMENT,
Washington, November 26, 1880.

SIR: Having been relieved of the command of the United States ship Jamestown, the bureau takes pleasure in expressing herewith its appreciation of the manner in which you conducted the surveys of the several channels and the many islands and shoals of Sitka Bay, &c., during the two seasons the Jamestown was under your command, and it begs further to say that the vast amount of valuable data rendered bears evidence that the surveys were intelligently conceived and systematically and energetically carried out, reflecting credit upon you as commanding officer, and upon those under your command for the zeal and professional skill displayed.

Very respectfully, your obedient servant,

WM. D. WHITING,
Chief of Bureau.

Commander L. A. BEARDSLEE, U. S. N.,
Washington, D. C.

The Secretary of the Navy to Captain Beardslee.

NAVY DEPARTMENT,
Washington, November 30, 1880.

SIR: The department omitted, at the time of your detachment from the command of the Jamestown, to express its approbation of your course regarding matters in Alaska. The condition of that Territory was such that the presence of a war vessel would have been of little use without a commanding officer of rare judgment and discretion.

Your course while in command met with the entire approbation of the department, and tended to restore order and preserve peace. The condition of the people of all classes in that country, where no law existed, was much improved by the measures adopted by you, and much that you did was the result of your good judgment, as you were required to act promptly and without the advantage of advice or instructions from the department.

Your successor in command commends the admirable condition in which he found affairs in Alaska, and attributes it to the wise course pursued by you.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Commander L. A. BEARDSLEE, U. S. N., *Washington.*

REPORT

AS TO THE

OPERATIONS OF THE U. S. SHIP JAMESTOWN,

THIRD RATE,

Under command of COMMANDER L. A. BEARDSLEE,

AND

STATIONED AT SITKA, ALASKA, JUNE, 1879, TO SEPTEMBER, 1880, INCLUSIVE

INCLUDING

ACQUIRED INFORMATION IN REGARD TO THE TERRITORY OF ALASKA, ITS PEOPLE, RESOURCES, AND CLIMATE.

IN FIVE PARTS.

PART I.—OPERATIONS IN CONNECTION WITH UNITED STATES CITIZENS.
PART II.— " " " INDIANS.
PART III.— " " " HYDROGRAPHY.
PART IV.—METEOROLOGICAL.
PART V.—REMARKS IN REGARD TO COUNTRY, NATIVES, AND RESOURCES.

PART I.

OPERATIONS IN CONNECTION WITH UNITED STATES CITIZENS.

REPORTS

RELATIVE TO

AFFAIRS IN ALASKA.

PART I.

OPERATIONS OF THE JAMESTOWN IN CONNECTION WITH AFFAIRS OF UNITED STATES CITIZENS LIVING IN ALASKA.

The Jamestown was placed in commission at the Mare Island Yard on the 8th of May, 1879.

It being considered important that she should reach her station as quickly as possible, she was very hurriedly fitted out, and sailed for Alaska on the 22d of May.

The department's instructions to the commanding officer were partially as follows: "Proceed to Sitka, Alaska, and relieve the U. S. ship Alaska. Communicate from time to time, as opportunity offers, with the department as to affairs in the Territory, looking out for the interests of citizens of the United States, and rendering them such protection as may be required"; to "make such soundings and hydrographic examination as the nature of the route and existing charts will suggest"; and "while at the station to execute surveys and examinations of harbors, islands, shoals, &c., as far as the nature of the service and available means will permit."

I had received, also, verbal instructions from the honorable Secretary of the Navy, given on the eve of my departure from Washington, to assume the command, which in general terms were that I should study the situation of affairs in that Territory, and use my utmost endeavors to restore and establish permanently harmonious relations between the white settlers and the native Indians of the Territory, to which end I was authorized (there being no governing power or code of laws in existence in the Territory) to use my own discretion in all emergencies that might arise.

Subsequently, under date of July 26, 1879, I having reported certain actions upon my part at Sitka, which did not properly pertain to the jurisdiction of the commanding officer of a man-of-war, the Secretary of the Navy wrote as follows:

> The department entirely approves of what you have done, and submits the future of your action to your discretion, until something shall occur to render specific instructions necessary. * * * In the mean time the department has full confidence in your wisdom, capacity, and discretion to dispose of such matters as may require your intervention during your stay in Sitka.

These broad instructions, both verbal and written, were of great value and importance to me, and enabled me, with full confidence of approval

of my course, to meet such emergencies as arose, in such manner as seemed to me right and best; and I did not feel called upon through lack of authority to permit natural law to be violated while my command provided me with physical force sufficient to prevent such violation.

The Jamestown sailed from San Francisco on the 22d of May. Head winds forced her well to the westward, and stormy weather prevented us from obtaining much hydrographic information, other than that obtained by the ordinary observations, while en route.

Our time was fully occupied in getting the ship in order; she having been fitted out in great haste, after having been very greatly changed in nearly every respect, from her former man-of-war shape, by successive transformation to receiving ship, and "school-ship" for the State of California.

Our crew was short and green, and most of the watch officers inexperienced in handling sailing vessels, one having never kept a deck watch except upon monitors and tugs.

We arrived off Cape Edgecomb on the 12th of June, and with great difficulty made our way through the outlying reefs and islands to a point within eight miles of Sitka Harbor; but were forced by the thick weather of a southeast storm to give up our attempts to reconcile the actual positions of various islands and reefs with those assigned upon our charts, and to indentify the same by our sailing directions, for both charts and directions were very erroneous; and even had they been cortect, there were no landmarks which could be distinctly recognized, on account of the densely wooded background of the hills in the rear of Sitka, into whieh the many wooded islands blended.

We ran to sea, and remained in the offing until the 14th of June, when a northwest wind cleared the weather and we ran in until seen and signalized by the United States steamer Alaska, which came out and towed us in to the eastern anchorage of Sitka.

But for her services the Jamestown would have been compelled either to run great risks or to again run to sea, for of the three channels into the harbor at that time known, in one the wind was dead ahead, and the channel too narrow for working to windward, and in the others high land produced calms, and the water was too deep for anchoring.

It became at once evident that the order to "execute surveys," &c., would be well obeyed by a careful and thorough survey of these approaches, the establishment of suitable beacons and buoys, and the construction of a correct chart.

During the summer and autumn of 1879 these surveys were accomplished, the beacons built, and the chart prepared.

The Alaska was relieved by the Jamestown, and on the 16th of June she sailed for San Francisco.

The eastern harbor, where we were lying, was superior to the western one, in that the holding ground was good, and there was plenty of room to swing at single anchor, but inferior in that it was exposed to the force of the seas in southeasterly gales, and that from it our guns could not reach the Indian village should necessity arise, there being government houses in range.

Therefore, on the 18th of June, the ship was warped into the western harbor and moored with six anchors, head and stern, heading southeast, our port battery bearing upon the Indian village, distant about five hundred yards.

We remained at these moorings during the fifteen months of my command, except when occasionally blown from them by the southerly gales.

As instructed, I began at once to study the situation of affairs at Sitka

and to familiarize myself with the customs, laws, and superstitions of the Indians, in order that I might be able, through knowledge thus acquired, to reduce the hostility which had arisen between them and the whites, and to bring the two races into harmonious relations.

I communicated to the department by every opportunity, as instructed, these opportunities being, with but few exceptions, monthly. A portion of the dispatches sent by me covering a period of seven months, viz, from June 15, 1879, to January 22, 1880, have been published in Senate Ex. Doc. No. 145, Forty-sixth Congress, second session.

This report will consist principally of the matter contained in subsequent dispatches, with such additions and comments as may seem advisable upon a review of the whole subject, together with such repetition of the matter already published as may prove necessary to make of this a complete and connected document, in which the various subjects touched upon will be treated separately in due chronological sequence, instead of as in the dispatches on file, being subject to the interruptions due to the necessity of reporting on sundry matters connected with the ship alone, and having no bearing on Alaskan affairs.

I will first describe briefly the situation of affairs in Sitka and vicinity at the date of our arrival, in June, 1879.

We found a community consisting of 360 persons, who, through birth, naturalization, or statement, and by the terms of our treaty with Russia, were to be considered as citizens of the United States. Of these, 34 were so by birth, 79 by naturalization or statement, and 247 by our treaty, of which a large proportion were women and children.

This community was living side by side with a tribe of Indians, whose village was divided from the white settlement by the remains of a stockade, now forming the garden fence of the westernmost government building, occupied by the collector of customs. These Indians, having for many years been governed, first by the Russians and subsequently by our Army, had been kept down with a strong hand.

The successive withdrawal of all military force, and the failure to substitute in its stead any form of civil government, had left these two communities to get along with each other as best they might.

The Indians, who are not naturally savages, greatly outnumbered the male whites (there being from 100 to 200 of them in summer, and from 500 to 600 in winter, of whom, however, over half were women and children), and through their tribal and family relations they were able at any time to greatly increase their force, by drawing upon other tribes located at several villages upon the islands of the Alexander Archipelago, within two or three days' canoe distance.

Petty quarrels and disputes had from time arisen between the two races, and the Indians had learned that while with them there would be, in case of trouble with the whites, a unity of cause and action, with the latter there would not, for as a general thing each white man acted for himself, there being no such thing as public spirit or community of interest in Sitka at that time.

The general character of the whites was not such as would tend to produce or maintain in the Indians any great respect or fear, and they were regarded by the Indians as outlaws and cast-offs of their country, many of the Creoles being but little above the Indians in their qualifications and despised by them, while of the white settlers, the traders and saloon keepers were in strong opposition and in general hated each other cordially.

These quarrels were aggravated by drunkenness, the Indians having learned from the whites the secret of making very powerful rum from

flour and molasses, which materials the whites shop-keepers furnished them freely in exchange for their pelts and produce, thus, for sake of gain, bringing upon themselves the dangers which they feared.

These quarrels had culminated in November, 1878, in the killing of a white man named Brown, at the Hot Springs, by Kot-ko-wot, an Indian of the Kaksati family, which family is second in power of the Sitka Indians, it consisting of about 40 men and 125 women and children.

The murderer and an accomplice named Okh-o-not were arrested by Indians of the Kok-wa-ton family, sent out by Annahootz, their chief, brought to Sitka and lodged in the guard-house on the 6th of February, 1879.

This arrest naturally caused great excitement among the Indians, and a big potalatch, or drunk, began in the ranch, during which some of the Kaksatis attempted to release the prisoners. They were prevented from entering the white settlement by the Kok-wa-tons, headed by Annahootz, and assisted by some of the Kaksatis.

The citizens formed themselves into a company, and for three days stood guard, and there can be no doubt that during this period a very slight inciting cause would have produced a night attack upon the settlement, which would have resulted in a massacre; but the unexpected combination of the whites in self defense deterred the Indians (who are cowardly when not drunk), as did also the influence of the more prudent men among them.

No further attempt was made by the Kaksatis to give trouble; and on the 9th both the prisoners were placed on board of the mail steamer California, which on the 10th started with them for Portland, carrying also some of the Kok-wa-ton Indians as witnesses to testify before the United States court of Oregon.

This steamer bore also an appeal from the thoroughly alarmed citizens of Sitka, to the captain of any of Her Majesty's ships at Esquimault, for immediate assistance, which appeal was at once responded to by Capt. H. Holmes A'Court, who was, at the date of the arrival of the California at Victoria, in command of H. M. ship Osprey, lying at Esquimault, where the English maintain a naval station, with dry-dock, &c.

Captain A'Court, without seeking instructions, started at once for Sitka, and arrived there on the 1st of March, and in his official report he states:

> On my arrival at Sitka, which from bad and thick weather was delayed until March 1, I found the inhabitants in a state of great anxiety and alarm, the chief (Katlaan) being expected back by the computation of the Indians the next day, when there is no doubt an immediate attack would have taken place.
>
> On Sunday, March 22, the revenue cutter Oliver Wolcott arrived from Port Townshend. The next day I met Captain Selden, by appointment, at the collector's office. After talking it over they both expressed so strong an opinion, in which I fully concurred, that the Oliver Wolcott alone was inadequate for the defense of the place, and that if I left affairs would resume their former state, that I decided to remain at least until the arrival of the California, by which ship I was in hopes some further assistance would be sent. The reason for arriving at the conclusion that the Wolcott is insufficient for the protection of the inhabitants is, that although she would be able to destroy the Indian village, she carrying three 24-pounders, yet in consequence of the small number in her crew, in all, I believe, 36, she would be unable to afford any material assistance for the protection of women and children, or to check the Indians in sacking the town.
>
> I am also of the opinion that the destruction of the Indian village is a matter that admits of a question, as there are a great number of friendly Indians, who have lodges and property there, the destruction of which, and possibly the loss of some of their lives, would tend to make them cast their lot with the others. * * *
>
> The Indians are fully aware of the weakness of the Oliver Wolcott, and on her arrival said openly that they were not afraid of her.

In conclusion, I beg to state that I feel certain that the presence of the Oliver Wolcott and this ship has averted a serious calamity, and it is my firm conviction that nothing but permanent protection, and some sort of government having authority, will enable the white people to live here without molestation from the Indians, to carry on their trade and develop the resources of the country; and if I may venture to do so, without being considered presumptuous, I would suggest that the protection should take the form of a man-of-war, in preference to troops (although they might be combined with advantage), as, being movable, a ship could, at various times, visit the numerous tribes and villages scattered along the coast, and also be usefully employed in surveying the inner channels, of which little is known at present.

I have quoted thus at length from the report of Captain A'Court, for two reasons: the first of which is, that the service he rendered to our citizens entitles his views to recognition; and, secondly, his views and suggestions, based upon his experience of a month, coincide closely with my own, formed almost as quickly, and never entirely abandoned during my fifteen months' stay in Alaska (although in some respects modified).

The United States steamer Alaska arrived at Sitka on the 3d of April, and the Osprey returned to her station at Esquimault, and a few days later the Oliver Wolcott left also.

The following petition was sent to Victoria by the Osprey, and thence telegraphed to Washington:

To the President of the United States:

In behalf of 300 residents of this city, we ask protection for our lives. When the ship Alaska leaves us we will be helpless. The Indians are ready now to attack, and may as soon as she goes; the danger is immediate.

(Signed by Alex. Milletich, G. W. Richter, J. Corcoran, T. H. McGuin, J. Schmeig, S. Milletich, Thos. Galleni, Rev. N. G. Metropolsky.)

The United States ship Jamestown was at anchor in Sitka Harbor in a little over two months from the date of the foregoing petition.

From February 6 until March 1, Sitka was without protection other than that afforded by the combination of the whites in self-defense; and again during the temporary absence of the Alaska. During these periods no attempts were made by the Indians to in any way molest the whites, which quiet upon their part convinced me that some strong influence restrained them; this influence I searched for, and in due time discovered.

The news of the execution of the murderer and of the dissection of his body produced considerable excitement among the Indians. The chief of the family, and most of the leading men, admitted that the execution was just, in that the man having taken a life had thus forfeited his own, but they were very dissatisfied with the method, and much more so with the disposition made of the body.

I had this matter brought up to me many times, and it was with great difficulty that I could reconcile the Indians to the state of affairs. They said to me, in substance, "This man was hung upon the testimony of two of his enemies; he was in a strange country where he had no friends, and had he not been guilty it would have been all the same, he could not have proved it. What is to hinder any one of us from being treated in the same way? He was guilty and it is right he was killed, but he should have had a fair trial."

I do not flatter myself that I succeeded at all in my attempts to explain to them about the dissection of the body. By their laws, the man having paid with his life for the life he had taken, the affair was settled, but the subsequent dissection and burial, according to their ideas, inflicted upon him a punishment far beyond his deserts, inasmuch as by this treatment of the body the man's chances for future happiness

were entirely annihilated, which would not have been the case could it have been burned with due ceremonies. I endeavored to convince the Indians of the folly of this belief, but failed, as I did whenever I attempted to combat their superstitions, which are too deeply rooted to be eradicated by any efforts except those of consistent missionaries gifted with common sense.

It became evident very soon after our arrival that one of the greatest of the causes which tended to produce the unsettled condition of affairs in the two communities was the want of a leader. There was no one among the whites competent or willing to assume this position, except the collector, Colonel Ball, and he was utterly unprovided with means to carry into effect any exercise of authority which he might deem advisable to assume.

A community composed of Indians, creoles, and white men of various nationalities, including English, Irish, German, Austrian, Italian, Turks, and Jews, among whom were numbers of idle, dissolute characters, and a sprinkling of men who, through experience with law, had learned to have no good opinion of it, and had sought Sitka as a home because there the law could not reach them—could not be governed and kept in order by any person unprovided with physical force sufficient to meet all emergencies. Quite a number of the better class of the whites were content to abide by the decision of the collector upon disputed points, they respecting his position as "sole civil official of the government," and his legal knowledge; but even of these but a very small proportion were ready or willing to give him any assistance, either in person or by contribution of funds to be expended for the public good; and there was a large number, among whom were representatives of both the creoles and whites, who were opposed to any authority which would make efforts to restrain disorder. Stills for the manufacture of hoo-che-noo were in operation in a great many of the houses of both creoles and whites, and the use of this rum was very common with them, and it was dispensed freely to the Indians.

The evil effects of a debauch on hoo-che-noo probably exceed those from the use of any other known liquor; and, when under its influence, men, at other times fairly orderly, become crazy and dangerous.

The creoles, white men, and Indians who manufactured this liquor were able to obtain from all but one or two of the "merchants" all of the necessary ingredients, which were simply flour, molasses, and yeast. And the law, which made it an offense punishable by fine and imprisonment to sell or barter or give liquor to an Indian, had become a dead letter through the easy and lawful substitution of the above ingredients.

The importation of liquor had been to a great extent prevented by the regulations of the Treasury Department, which forbade the clearing from other ports of vessels carrying it to Alaska; but all liquor which escaped the notice of the custom-house officers on the departure of vessels for Alaska stood a very good chance of being landed safely upon its arrival at Sitka, the time and attention of the collector being taken up in the necessary duties of his office, among which those connected with the receiving and delivering of the mail occupied considerable; the deputy collector was an invalid, and the special deputies employed upon the arrival of each steamer men whose experience did not qualify them to discover and outwit the various smuggling devices resorted to.

The arrival of the Jamestown was welcomed by all as furnishing the solution to the various problems. I, as her commanding officer, being provided with sufficient power to control dangerous characters, to suppress illicit distilling and traffic, and to protect those who needed pro-

tection, and with orders so broad in their scope that I would be able to pursue any course I might think best to adopt, fell naturally into the position of head to this otherwise headless community.

Both whites and Indians manifested a disposition to rely upon the government forces for everything, and to look upon me, the commanding officer, as a representative of the government sent in answer to their appeal, to supply all of the deficiencies incident to the entire absence of any other governing power or code of laws.

The question as to what extent the peculiar condition of affairs would justify me in stretching the discretionary orders furnished me, whether to that of assuming functions which would properly pertain to civil officers alone, were there such in the Territory, embarrassed me exceedingly, and in assuming such functions, my want of familiarity with duties of this nature exposed me to the risk of making serious errors, the consequence of which might tend to deprive the presence of the Jamestown at Sitka of all value. The problem presented to me was how to govern a mixed community of whites and Indians with no code of laws but the Revised Statutes of the United States, the United States Naval Regulations, and the treaty with Russia.

I was fully cognizant of the fact that neither my commission nor my instructions, broad as were the latter, conferred upon me lawful power to make an arrest of a citizen, or inflict a punishment; yet I was equally certain that unless I did assume the responsibility of doing both, the presence of the Jamestown at Sitka would have been comparatively profitless, for among both the whites and Indians there were men who were dangerous to the rest of the community, and who it was necessary to control by force, and we alone had that. I was fully convinced that an assumption of the functions of governor by myself would prove unsuccessful unless I should receive the consent and support of the people whom I assumed to govern. Should the Indians refuse to recognize my authority, the means at my disposal were not sufficient to enforce obedience; and if the whites refused, there was no method which I could adopt to coerce them which would not render me personally liable to a civil proceeding.

SYSTEM OF GOVERNMENT ADOPTED.

Fortunately the white community required but little exercise of authority. Each man, wrapped up in his own affairs, interfered as little as possible with those of his neighbor; and I found that it would be good policy to refrain from in any way interfering with their affairs, except when necessary to prevent or punish crime, or check actions which were liable to produce trouble with the Indians.

The majority of the whites were of the creole class, who are quiet, harmless, apathetic, uneducated, and improvident, as a class; although there are of them a few most estimable people, also a few who were of a very low order, inferior to the average of the Indians, of slightly less pure blood. All had become accustomed to the vigorous government of the Russians, and subsequently of our troops, upon whom they relied for protection and employment; were utterly unaccustomed to governing themselves, and accepted readily the assumption of authority over them, considering themselves well repaid for any sacrifice of pride by the protection which resulted.

Many of the lower class of creoles were, as stated, vile characters, who spent all their earnings in hoo-che-noo, and who when drunk were very

brutal and treated their families and other unprotected persons outrageously.

Of the remainder of the whites a portion were shop-keepers, Indian traders, saloon keepers, and loafers, who, with no ostensible employment, supported themselves by distilling hoo-che-noo, which they traded with the Indians for food, rivaled in this respect by most of the shop-keepers, who sold to the Indians molasses and other ingredients of the rum. Another portion was composed of miners, who were engaged in their business at Silver Bay, 12 miles east of Sitka; of salmon canners, at the cannery in Hunter's Bay (Old Sitka), 9 miles to the westward; and of invalids of all classes, more or less of whom congregated at the Hot Springs, 15 miles to the southward, to obtain the benefit of their waters.

As a general thing all of these people were orderly and willing to leave the whole task of governing, as well as all other public business, to whoever would assume it, each occupying himself with his own affairs.

THE LIQUOR QUESTION.

The Alaska was hardly clear of the bay when I was called upon to lend a portion of our strength to the collector, as shown by the following correspondence, in the prevention of smuggling liquor by the mail steamer California. When I received the first letter I had not yet become acquainted with Collector Ball, nor had he consulted me on the subject:

CUSTOM-HOUSE, SITKA, ALASKA,
Collector's Office, June 16, 1879.

CAPTAIN: Having received information that the landing of liquors is going on extensively here through the hands on the steamer California, whenever she is in port, and not having myself the necessary force to stop it effectually, I have to request that you will let me have on her arrival, a force of eight men, under some trustworthy officer, to make the necessary search of the vessel, and to guard her, and superintend the landing of her freight. Captain Brown, of the Alaska, had made arrangements to do this for me, and I hope you will see the importance of carrying it out. Mr. Martin will explain to you the plan we propose to adopt.

Very truly, yours,

M. D. BALL,
Collector.

Captain BEARDSLEE,
United States Steamer Jamestown.

UNITED STATES SHIP JAMESTOWN,
Sitka, Alaska, June 17, 1879.

SIR: Yours of the 16th instant is received. In answer to your request that I should furnish you with the assistance of an officer and men to prevent the smuggling of liquor, &c., from the mail steamer California upon her arrival, I would state that if, after full consultation between ourselves, I shall retain my present intentions, I shall furnish you with the assistance asked for.

I must, however, understand the *status* of affairs more thoroughly than I now do before giving a positive answer.

Very respectfully,

L. A. BEARDSLEE,
Commander, Commanding, Senior Officer Present.

M. D. BALL, Esq., *Collector.*

UNITED STATES SHIP JAMESTOWN,
Sitka, Alaska, June 17, 1879.

SIR: The consultation between ourselves in regard to the prevention of smuggling from the California has confirmed me in my intention to furnish you with the aid requested.

A party will be detailed with suitable instructions.

Very respectfully,

L. A. BEARDSLEE,
Commander, Commanding, Senior Officer Present.

M. D. BALL, Esq., *Collector.*

CUSTOM-HOUSE, SITKA, ALASKA,
Collector's Office, June 23, 1879—6.30 p. m.

SIR: The inspection of the cargo of the California has just been concluded, and has resulted in the finding of six cases of whisky, improperly or insufficiently marked and without claimant, and which was doubtlessly intended for landing here. It will be forfeited under the law.

Very truly, yours,

M. D. BALL, *Collector.*

Capt. L. A. BEARDSLEE.

I had, as indicated by the correspondence, detailed an officer and four men, who were sworn in as deputies by the collector. This correspondence was submitted to the department with my dispatch dated June 23, 1879.

During the month of July I requested the collector, unofficially, not to again call upon me, for the following reasons, which were given in my dispatch of July 15, 1879:

By the request of the collector, and in pursuance of an arrangement of his with my predecessor, Captain Brown, I, last month, detailed an officer and men to assist the collector in the prevention of smuggling of liquor by the mail steamer. I have since then had time to weigh the subject, and this time decline to so act. Aside from my apprehension that in so doing I was not acting lawfully, I feel that it is simply ridiculous to take strong measures to stop a little whisky and protect, at the same time, tons of molasses, a gallon of which will do as much harm as a barrel of the former.

My resolve to refrain from interfering in this matter became known, and removed a great check from the traffic, which, as the white population increased by the influx of miners, tradesmen, and others, grew to be a serious evil, and I submitted to the department the following dispatch, in hopes of receiving some instruction for my guidance:

UNITED STATES SHIP JAMESTOWN,
Sitka, April 5, 1880.

SIR: It is very probable that a question will arise here before a great while, in which I shall be called upon to act, and in regard to which I do not feel assured as to the exact nature of my duty.

This question will be in regard to the suppression of, importation of, and traffic in distilled spirits in Sitka and vicinity, including the mining settlement at Silver Bay, and the cannery at Hunter's Bay.

This importation by the steamer California has increased to such an extent that about one-half of the white population of Sitka are more or less engaged in it.

I have studied the problem, and, to facilitate the deliberation of the department, submit herewith a brief history of the question. In September, 1867, General Halleck, with the desire to prevent the sale of whisky to the Indians, requested of the Secretary of War that the President, by proclamation, would declare the newly-acquired Territory of Alaska as Indian territory, and the request being referred to the Hon. William H. Seward, Secretary of State, was by him submitted to Mr. E. Peshine Smith, examiner to Court of Claims, who gave his opinion that on the 20th day of June, 1867 (the date of the signing the treaty by President Johnson), "the new territory became a part of the Indian country." Mr. Seward, inclosing this opinion, states that the President would retain the request of General Halleck for further consideration.

February 4, 1870, President Grant, in pursuance of the authority vested in him by the provisions of the second section of the act approved July 27, 1868 (sec. 1955 U. S. Rev. Stat.), issued a proclamation prohibiting the importation of distilled spirits into the district of Alaska, and the Secretary of the Treasury, Hon. George S. Boutwell, issued a circular order instructing collectors of customs as to their duty in carrying out the terms of this proclamation.

In March, 1873, the act of 1868 was amended by adding to it two sections, viz, sections 20 and 21 of act of 1834, which forbid the sale of liquor to Indians, and prohibit the setting up of distilleries.

In 1878 the collector of Sitka applied to the honorable Secretary of the Treasury for instructions in regard to the importation of molasses: and in reply received a letter in which is incorporated the opinion of Attorney-General Devens (a copy of

which is inclosed, marked E), to the effect that, except in the matter referred to in these two sections, Alaska cannot be considered as an Indian country.

My connection with the question is as follows:

Upon the arrival of the ship in June, 1879, I was requested by the collector to detail a force to search the mail steamer California upon arrival, to seize any liquor, &c., which request I complied with. Results are shown by the inclosed correspondence, marked A, B, C, D.

Before the arrival of the next steamer, in July, I having had time to study the subject, concluded it was not consistent with my duty to order those under my command to act as revenue officers, and I declined to repeat the act, and for other reasons given in my letter of July the 15th, which letter met with the approval of the department; and since that time I have in no way interfered in the matter, and the traffic is growing to a magnitude which causes me uneasiness, should it be considered my duty to take steps to suppress it.

My views as to the situation are these: The county is not Indian country, therefore I am not called upon to carry out the provisions of the act of 1834. The collector's duty is indicated by his instructions and by the section 1950 of the Statutes; it is to prevent by all lawful means the importation of liquors, and to seize the California, and place her under bonds if necessary. He has no right to call upon the naval force to preform these duties, but if in so acting be meets with forcible opposition, it is my duty, upon being duly requested, to support him with force sufficient to enable him to do so.

In regard to his authority to act as internal-revenue collector and policeman, by seizing liquor in the possession of citizens on shore, and to call upon me to furnish force to subdue opposition I am not so clear as to his or my duty, and therefore most respectfully request specific instructions from the department.

In this connection it may be well to describe the condition of affairs past and present, and possibly the future. When in 1868 the country was considered as Indian country, there were but few whites, except the Russian creoles, be so counted, and they from habits and education were not such people as would be entitled to be considered as ordinary United States citizens.

At the date of the proclamation of General Grant it was wise and timely; the Indians had not then learned the secret of hoot-che-noo making, and thus its provisions covered the case, and prevented them from getting liquor. Now the Indians do not want whisky; it is too high priced, and not strong enough; molasses, of which they can have all they want, they prefer.

During the occupation of the post by the Army, the provisions of the statute were so far modified that authority was given to the Secretary of War to regulate the introduction of liquor here at Sitka, and he was authorized to delegate that authority to the officer commanding the post, the result of which was that the regulation of the matter was in the hands of said officer. I would respectfully suggest that if the department could procure that the Secretary of War should delegate this authority to the naval officer commanding this station, the matter would be greatly simplified; and should the department procure and entrust to me this authority, I could, with my knowledge of the character of the people here, and of the needs of the steadily increasing population of white United States citizens, so manage matters by selecting trustworthy persons, and calling upon them to pay a high license fee, that in a very short time nine-tenths of the present traffic in liquor could be stopped, and the remainder be caused to provide a revenue.

Any course which a naval commander can adopt under the present complicated position of affairs is as liable to be considered wrong as right.

The arrival of this ship, and the influx of miners, prospectors, tradesmen, and men who prey on them, has increased many hundredfold the demand for liquor, and the collector is powerless to prevent the introduction. I have known of whisky being brought in boxes of eggs, in passengers' valises, in casks nominally of beer, and in countless other forms. If I am to be left in charge here until a civil government is established, my prospects of continuing to maintain the good opinion of the department will be greatly increased if it will, as requested, obtain for me a little more legal power in this respect.

——— ———.

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.

In a subsequent dispatch, dated April 10, I, having more maturely considered the subject, withdrew the foregoing request for additional authority, and requested that the collector of customs should receive the same instead of the naval commanding officer.

The following opinion of Attorney-General Devens was inclosed:

DEPARTMENT OF JUSTICE,
Washington, September 24, 1878.

SIR: Your letter of the 20th instant informed me that, upon representation received by you from the collector of customs at Sitka, Alaska, it would appear to be for the interest of the white residents of the Territory and the government to prohibit the introduction into that Territory of molasses, which is used for manufacturing distilled spirits for use among the natives, and inquires of me whether under section 3132 of the Revised Statutes, which authorizes the President, "whenever in his opinion the public interest may require, to prohibit the introduction of goods, or any particular article, into the country belonging to any Indian tribe," he will be justified in forbidding the introduction of molasses into said Territory.

The Territory of Alaska was acquired by Congress by virtue of its treaty with Russia of March 30, 1867, by which the inhabitants of that Territory were, with the exception of the uncivilized native tribes, to be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and to be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes were to be subject to such laws and regulations as the United States might from time to time adopt in reference to them.

An act was passed on July 27, 1868, to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes. This law was amended on the 3d of March, 1873, by extending over this territory two sections of the act of June 30, 1834, which was an act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers. These two sections are the twentieth and twenty-first, one of which, not necessary to be fully stated, forbids selling or disposing of any spirituous liquors, &c., to any Indian in the Indian country, and the other of which forbids any person within the limits of the Indian country from setting up or continuing any distillery for manufacturing ardent spirits.

In the opinion of my predecessor, Attorney-General Williams, of November 13, 1873, in answer to the inquiry whether the Territory of Alaska was embraced within the term "Indian country," he holds that as to these provisions Alaska is to be regarded as "Indian country"; but it will be observed that he limits his opinion to these two sections, and does not hold that, in the general use of the term, Alaska is to be regarded as "Indian country," and be subjected to all the laws which have been made in relation to such country. The section 2132 of the Revised Statutes, by which the President is authorized to forbid the introduction of goods or any particular article into a country belonging to an Indian tribe, is part of the third section of the act of June 30, 1834. Its provisions therefore are not in terms extended over the Territory of Alaska.

When two sections of the same statute are expressly made applicable to a certain people by extension, it must be inferred that there are no intentions on the part of Congress to extend more than those two sections. Alaska cannot be considered merely as an Indian country. It is inhabited, to a limited extent, by white persons, whose rights, property, and religion, which were guaranteed by the treaty between the United States and Russia, should be protected by the United States, and the whole Territory cannot be subjected to the rules applied to Indian country, unless, at least, Congress shall expressly render it subject to them.

In direct answer to your inquiry, I therefore reply that, in the matter referred to, the Territory of Alaska cannot be considered as a country belonging to an Indian tribe, and that authority is not given to the President, by virtue of the section referred to, to prohibit the introduction of goods or of any particular article into the same when in his opinion the public interest seems to require that he should do so.

Very respectfully, your obedient servant,

CHAS. DEVENS,
Attorney-General.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

ORIGIN OF THE PROVISIONAL GOVERNMENT OF SITKA.

In yielding to the solicitations which called upon me to arbitrate in disputed points, I soon found that the interests and views of the white citizens were so varied, and frequently so conflicting, that the governing duty would become more onerous than honorable, and I determined to make an effort to arouse the citizens of Sitka from their apathetic

state, and to induce them to combine together and make such mutual concessions of individual rights as would inure to the public benefit.

It was evidently necessary that the conflicting interests of the whites themselves should be harmonized before I would be able to make much headway in my plans to carry into effect my instructions to "establish harmonious relations between the whites and Indians" upon such a basis that these relations would have a chance of becoming permanent.

I had hopes that if the citizens could be induced to form a compact among themselves to assist each other, and to refrain from the importation of the ingredients of hoo-che-noo, and to delegate to certain of their number power to maintain order, we would have a republic on a small scale which would benefit everybody concerned.

My efforts were, to a certain extent, successful, and in the following extracts from several of my dispatches the rise, career, and demise of this attempt is recorded.

[Dispatch dated July 15, 1879.]

On the 9th instant I called a meeting of the citizens, and, ably assisted by the deputy collector, Dr. Dulaney, and by Mr. John Brady, have, I hope, started a public opinion which will result in the formation of a local government, with police regulations sufficient to restrain disorder and regulate, if not check, the traffic in liquor.

[Dispatch of August 12, 1879.]

After a number of apparent failures, during which, however, public feeling was being aroused, I have at last succeeded in getting the people of Sitka to form a compact which will insure some order and law. An election was held on Saturday, August 1, and the following officers elected, viz: Chief magistrate, M. D. Ball, collector; councilmen, Rev. N. G. Metropolsky, priest; Patrick Corcoran, merchant; Thos. Haltern, merchant; Thomas McCauley, salmon canner.

The miners at Silver Bay, distant some 12 miles, refused, in an offensive letter (copy of which is inclosed), to co-operate. I am informed by the priest that the Russians whose names are signed were led to sign by representations on the part of Mr. Pilz, the superintendent, that the whole thing was a trick upon my part; that should a government be formed the Jamestown would leave at once.

It is my conviction that Mr. Pilz did not himself believe this, but was actuated by other motives.

I inclose a copy of the preamble drawn up by the collector.

The code of laws which are to be adopted are simple, and will effect the purpose of enabling these people to preserve order among themselves, until such time as the government will help them.

The letter from the miners was as follows:

To the Chairman and Members of the so-called Provisional Government of Sitka:

We, the undersigned citizens of Silver Bay district, propose and intend to hold ourselves aloof from all intercourse with the so-called provisional government of Sitka. We deem it an unwise move, and we are all of the unanimous opinion that the men of the Jamestown should preserve the peace. Should this government be established, we look to the early departure of the Jamestown, and then we will be in a far worse condition than ever before.

Geo. E. Pilz.	E. H. Murphy.
Frank L. Burton.	James Holyrood.
* John Prior.	F. Alisky.
* Wm. Stewart.	Peter Startzoff.
* Walter Daily.	Philip Kashenzroff.
* A. Kashenzroff.	John Gorman.
N. Haley.	Wm. Donnelly.
T. S. Smith.	John Leman.

And thirteen unreadable Russian names in the same handwriting. Names marked (*) in Burton's writing.

This letter is introduced as evidence that, although the miners, as a body, refused to recognize the authority of the provisional government or to join in any attempt for public welfare, yet that they relied upon the Jamestown to take care of them.

From the testimony of nearly all who signed this paper, I learned subsequently that the opposition was entirely due to Mr. Pilz having taken offense at a supposed affront, in not having received an earlier notification than he did of the called meeting, the delay being through accident, and so explained to him at the meeting. As superintendent he caused men to sign who were in favor of the government. Mr. Pilz explained to me that fear of taxation influenced him.

[Dispatch of September 6.]

The government established is in successful operation. Its existence relieves me of a source of embarrassment; before its formation every citizen applied to me for any action he might think desirable; now all applications are made through the chief magistrate, and we are thus enabled to do as much as possible to assist the civil authorities, instead of exercising arbitrary power.

All offenses committed by Indians outside of the white settlement I take charge of, and apply military government to them alone.

[Dispatch of October 5.]

[After having described the condition of affairs in connection with the Indians, I wrote:] While thus the Indian branch is under comparatively good government and discipline, the white settlement, of far inferior numbers, has presented a contrast.

During the month it has been reported that one "discharged soldier," a druggist, who among his drugs keeps barrels of molasses, had shot at his wife with a revolver; that another "discharged soldier," a saloon keeper, had, at midnight, beaten shamefully a woman who occupied temporarily the position of wife to him, and had turned her into the street; that still another, a member of the council, had endangered life by reckless revolver-shooting at dogs on a neighbor's stoop; and many minor offenses.

As there was a civil government established to meet such emergencies, all of which were caused by drunkenness, I took no steps further than to send, in one case, a small guard to stop the row. The "government" took no action in either, the sum of $6 per month set aside for the purpose having been insufficient to provide police force of sufficient ability and courage.

The attempt to form this local government was wise, but the method was not so; the idea was good, but it was badly put into shape; there was not a sufficient consultation and exchange of views, nor a thorough understanding of the relative value of interests involved.

The miners, who now form a strong, and soon will the strongest, part of the community, refused to enter into the arrangement; they had reasons, which I then doubted, but now believe, to think that their interests would not be fairly represented.

The refusal was couched in offensive words, and a quarrel sprung up in which, as is usual, there was wrong and right, upon both sides; under such circumstances, little could be expected of even a capable organization. Such an organization was not made. Some of the men who were elected as councilmen, carried into office an utter ignorance as to their duties, an utter indifference to the welfare of the community, and reputations which did not command respect.

Colonel Ball, the chief magistrate, has done his utmost to effect some good, but with the slight assistance given him by the "councilmen," and hampered by the requirements of his position as collector, has been unable to accomplish anything of value.

For example, the merchants entered into a compact not to order molasses by the September steamer. One of them, Sam Goldstein, a Jew, received by this steamer a large stock; the others, who had kept their compact, were naturally incensed at this breach of faith, and consequent "corner" in molasses, and called upon the "chief magistrate" to seize Goldstein's molasses. He detained it a day in the government warehouse, and called a meeting of the council; they failed to meet, and he, as was his duty as collector, delivered the lawfully imported stuff.

The consequence is a general back down from the compact, and the October steamer will bring large quantities, and drunkenness and riot will rebegin.

In dispatch of October I reported:

The following document, posted on the door of the custom-house, signalizes the fall of the republic, whose rise and progress I have described:

OCTOBER 9, 1879.

To the Residents of Sitka Mining District:

The undersigned, elected under the provisional government of Sitka, have become convinced that their power to act efficiently is greatly impaired by the fact that a

large and important element of the population was not represented in the formation of said government; have decided to surrender their offices back to the people; and for the purpose of having them decide upon the action now to be taken, do invite a general meeting of all of the men in the district, to be held at the custom-house, on Sunday, October 12.

M. D. BALL.
PAT. CORCORAN.
T. McCAULEY.
N. G. METROPOLSKY.
F. HALTERN.

This step restores the status to that which existed upon our arrival, with, however, a greatly modified public opinion.

The collector now, in virtue of his office as such, represents the civil, and this ship the military, elements of the government.

The cause which operated to extinguish this attempt at government was one which taxed it beyond its abilities, and in the end proved to be beyond the power of the entire governing power which could be applied to a serious case in Alaska, viz, the civil and military as above indicated, and in addition, that of the United States district court at Portland, Oreg., to which it was referred. This was a case of shooting which, at the time, was presumed would be followed by the death of the shot man. This shooting occurred on the morning of October 9, the notice on the custom-house appearing later in the day, and being supplemented by a letter from the collector, as follows:

CUSTOM-HOUSE,
Sitka, Alaska, October 9, 1879—11 a. m.

CAPTAIN: You have before this hour learned the fact that a miner was dangerously, probably fatally, shot in the city last night, the offending party having, as I understand, surrendered himself to you.

The provisional government having failed in sustaining itself, and its officers having called a meeting to resign their trust, there is just at this time no form of civil authority here strictly empowered to take charge of the case, unless I assume it as collector.

I, therefore, request that you, representing the other branch of the government, cooperate with me in the steps necessary to preserve the matter in proper form for justice to be administered, when we shall be instructed from Washington as to the manner in which it is to be accomplished.

I have called a commission of three citizens to meet this afternoon at two o'clock, and take the wounded man's testimony, and such other evidence as may be obtainable, and would be pleased if you would send a jury of your officers to assist them, and produce the offender for identification.

M. D. BALL, *Collector.*

To which I replied as follows:

OCTOBER 9, 1879.

SIR: In compliance with your request of this date a board of officers, of which Lieut. F. M. Symonds is senior member, has been directed to co-operate with the jury called together by yourself.

The prisoner is, and will remain, under military control, and will be sent, suitably guarded, to be identified by the wounded man.

I must urge upon you the necessity of exerting your influence at once to allay the excitement among the miners, to such extent that no person or persons will make any attempt at lawless proceedings. Such a course would deal Alaskan interests a severe blow; the contrary will inure to its benefit.

L. A. BEARDSLEE,
Commander, U. S. N.

The following instructions were referred to Lieutenant Symonds:

U. S. SHIP JAMESTOWN,
Sitka, October 9, 1879.

SIR: You are hereby appointed senior member of a board of officers, who, in compliance with the request of Collector M. D. Ball, the only representative of civil authority in Sitka, will co-operate with a jury of citizens called together by Colonel

Ball, in investigating the circumstances connected with the affray which last night took place between two miners named (as reported) John Williams and Edward Roy.

Passed Asst. Surg. N. M. Ferebee, and Master G. C. Hanus, U. S. N., will be associated with you in this duty.

The investigation will take place as early as possible on account of the dangerous condition of one of the parties.

Respectfully,

L. A. BEARDSLEE,
Commander, Commanding.

The commission met at an appointed hour, and the man Williams, who had, immediately after the affray, run to our guard-house and surrendered himself to the sergeant in charge, and who, soon after, was brought on board of the ship as a prisoner, was sent ashore for identification by the wounded, and supposed to be dying, man Roy.

Lieutenant Symonds, with a strong armed body of marines, was detailed to escort the prisoner through the streets of Sitka, with instructions to proceed, if necessary, to any extreme in preventing the execution of an expressed purpose, by numbers of the miners, to hang the supposed murderer.

He was in no way interfered with in the performance of this duty, the miners yielding readily to our authority. There can, however, be no doubt that the presence of the Jamestown prevented a resort to Lynch law, as the whole community was intensely excited.

The commission appointed to investigate this case, found as follows:

The undersigned, a mixed commission of officers of the United States ship Jamestown and citizens of Sitka, convened by order of Commander L. A. Beardslee, and request of M. D. Ball, to inquire into the circumstances of the shooting of Edwin Roy on the night of October 8, 1879, having taken all of the evidence available in the case, do certify, that from the same we are of the opinion that John Williams should be held to await the issue of the wounds of said Roy, and for trial for the said shooting, subject to such orders as may be received from the authorities at Washington.

F. M. SYMONDS, *Lieutenant, U. S. N.*
N. M. FEREBEE, *Passed Assistant Surgeon, U. S. N.*
G. C. HANUS, *Master, U. S. N.*
M. P. BERRY.
G. E. PILZ.
JOHN G. BRADY.

This finding, &c., was transmitted to me by the collector, accompanied by the following letter:

CUSTOM-HOUSE,
Sitka, October 9, 1879—5 p. m.

CAPTAIN: As notified by you in your letter of this date, the board of officers appointed to co-operate with one of the citizens in investigating the case of the shooting of Edwin R. Roy, reported and entered upon the examination which is just closed.

I inclose you herewith a copy of their finding, also of the deposition of Roy taken by me, and in full consciousness of his situation and under oath; also copy of other evidence.

I shall report the case to my department also.

I gather from your letter that you will keep charge of the prisoner until the result of the wounds of Roy is known, and instructions received from Washington. I hope such is your intention.

M. D. BALL,
Collector.

The inclosed deposition, which was the only evidence taken under oath by the commission, was as follows:

Deposition of Edward Robert Roy.

My name is Edward Robert Roy; was born in Manchester, England; am thirty-seven years old; married; my wife resides in Newry, Ireland.

Scotty and I were at Mooney's saloon singing and enjoying ourselves last night. My

song was well liked, but Scotty's disapproved, so he commenced calling me names, such as "sons of b——s." Afterwards I went home, and to bed, and had been there about three-quarters of an hour when he came to my cabin and demanded admittance calling me "sons of b——" again, which I refused.

He then kicked the door panel in, and I went to replace and secure it, and he jumped on me, and grabbed my throat and threw me down, and commenced emptying his revolver into my body. I think he fired five shots.

(John Williams, or "Scotty," was here brought in, and fully identified by Roy as the man who shot him.) Roy continued:

I never carried a weapon in my life. Had a small pocket-knife in my pocket to cut tobacco with. Did not use it in the scuffle, or cut "Scotty" with it.

The statement of the accused, John Williams, was not taken under oath, and differed from that of Roy, in that he asserted that Roy began the fight by attacking him with a knife, and that after being cut he fired at Roy in self-defense. (There were several, not serious, cuts in various portions of his body.)

The testimony of the two witnesses summoned by the commission had no bearing upon the actual fight, and no oath was administered to either. And had such form been complied with, one of the two, viz, John Platoff, a creole member of the Greek Church, would not have considered it binding upon him unless administered by the Greek priest.

Upon subsequent investigation I found reason to believe that the commission had not examined into the case very thoroughly; and that the cabin where the affray took place was equally the home of Roy and Williams, and that the row probably started through the act of Roy in locking Williams out of his own quarters. There was nothing in the character of either of the men, who were "chums," to cause a doubt in my mind as to the true nature of the affair; it was simply a fight between two drunken men, who when sober were friends; and in it both men got hurt. Had Roy's knife gone in an inch deeper into Williams, or the bullets from Williams' revolver done less damage, the relative position of the parties would have been reversed, and Roy would have been tried for the assault on Williams; for, as far as can be judged by the evidence, the two men were equally to blame.

The wounded man Roy was taken charge of by Dr. Frerrebee, of the Jamestown, who in course of time succeeded in restoring him to a sanitary condition, which was hardly to have been hoped for in a man whose body had been made a receptacle for five bullets, caliber .34.

The prisoner Williams was held as such on board of the Jamestown until November 10, when he was delivered to a deputy United States marshal, upon warrant of the United States marshal at Portland, Oreg. and carried by him to Portland for trial.

By the steamer arriving at Sitka December 25, the collector received a subpœna which called him to Portland to give testimony in the case, in regard to which he had no knowledge beyond that obtained from taking the supposed-to-be-dying man's deposition, and hearsay.

The man Williams was tried before the United States court of the district, and discharged by Justice Drady, who held that as the assault was made with a deadly weapon, there was no law by which it could be punished. This action of the court caused me embarrassment, as, with my slight knowledge of law, it seemed to conflict with previous actions by the same court in regard to Alaska affairs. The Indian murderer, Kot-ko-wot, was hung at Portland for a murder committed in Alaska, and Major Campbell, United States Army, when in command at Sitka, having, in pursuance of what he considered his duty, committed an act

of punishment of a blackleg, which by the Oregon court was held to be illegal, was by it tried and sentenced to pay a heavy fine.

Very uncertain as to my own position in case this court might differ with me as to right, and as to my duty in the event of my being at any time subpœned to Portland, which would necessitate, if obeyed, several weeks of absence from my command, I requested from the department instructions as to my duty, under similar circumstances.

The history of this case has been thus given in detail, not because it was in itself of much importance, but because it illustrates very completely the situation of affairs at Sitka, and the great necessity which exists that the community should receive some recognition from the law-making powers. In reporting the case to the department, I commented thus:

OCTOBER 9.

The whole lawful power of the United States Government, with full co-operation of all respectable citizens, has been brought to bear upon a serious offense against public safety and human life (the wounded man will probably die), and the utmost we can do is to hold the offender a prisoner, to be tried by somebody at some indefinite time, and this only because I, having the power, am willing to assume the responsibility, believing that in so doing I am acting in the interests of right.

The accused man probably committed a crime, and had the Jamestown not been present he would have been lynched. With the ship to furnish force, the man was saved from this fate to eventually escape from the clutches of the law.

ENDING OF THE PROVISIONAL GOVERNMENT.

On the 25th of October the meeting called by the officials of the late provisional government was held, and on the following day I received from the collector the following:

CUSTOM-HOUSE,
Sitka, Alaska, October 25, 1879.

CAPTAIN: It becomes my duty to inform you that at the meeting held this evening in the custom-house, called to consider the subject of the formation of some civil government for this section, the only action taken was the appointment of a committee to prepare and forward a petition to Congress.

The failure of the lately attempted "provisional government" to sustain itself was announced, and the meeting (which was very small) decided that it was unadvisable to repeat the experiment.

I had, on the 15th of September last, presented my own resignation as chief magistrate to the "council," having found the position incompatible with my official duties as collector.

I was induced to withhold it until the people had an opportunity to decide on some other arrangement to take the place of that they had unsuccessfully tried, by the assurance that my resignation would be followed by that of all the other members.

As I cannot, consistently with known and defined duties, continue the effort to discharge those which are both uncertain and uncongenial, I shall make no further attempt to assert any authority with which the late action of the people may be supposed to have clothed me.

The people having had full opportunity to frame another organization, and having failed to do so, I must consider myself released from further action in behalf of the movement.

In making this announcement, I will add my conviction that only a condition of extreme personal danger from lawless whites or threatening Indians (either of which the presence of your ship prevents) can arouse the community to such action as would impart the necessary vitality to any form of government, self-organized, and lacking the authority of that organic law to which this people have long, rightfully but vainly, looked for some organization charged with the protection of their persons, and the administration of their property.

M. D. BALL, *Collector.*

The foregoing letter was inclosed to the department with my dispatch dated November 19, and in regard to its contents, I wrote:

In my last I reported the demise of the provisional government. I find that I was premature in so reporting. It was still in existence at that date (October 9), as I sub-

sequently learned by a letter from Colonel Ball, the chief magistrate. I may be pardoned for my error, inasmuch as the character of the government was not one the existence or non-existence of which would attract attention. At the meeting referred to, the miners attended, prepared to co-operate with the merchants, but the latter, having for various reasons (among which was the necessity of taxation, the possible interference with the traffic in molasses, of drunken or disorderly persons being arrested and confined, and probably some others best known to themselves), concluded that they did not wish any government, did not attend, so no new one was formed, and the experiment has proved a dead failure, principally for lack of suitable material.

In addition to the reasons assigned by Colonel Ball as operating against the successful formation of any kind of a home government in either, I would give, as bearing upon it:

First. A general impression that any effort made by themselves would, if successful, lessen their chances of recognition by the United States.

Second. A general disinclination to take any steps which might involve an expenditure of any money, and consequent taxation.

Third. A general timidity which caused most of the citizens to fear to come in contact with the disorderly portion of the community.

Fourth. A general unwillingness among the shopkeepers to give up traffic in molasses.

Fifth. A general condition of apathy and lethargy peculiar to Sitka, enlivened only by a selfishness which caused nearly every man's interests to be in opposition to those of others.

The letter from Collector Ball dated October 25, gave me reason, which was confirmed by subsequent conversation with him, to believe that, in considering that the provisional government had at last come to an end, he and I were in full accord.

Henceforth the governing of the people was left, as much as was practicable, in their own hands, arrangements being made between the collector and myself that he should notify me of the occurrence of any irregularities on shore which might make the intervention of the forces under my command desirable, I undertaking to respond to such notification by giving all aid required, reserving to myself, however, the final judgment in any case involving arrest, the necessity for which was not of immediate urgency, and the confinement in the guard-house, either for restraint or punishment.

Early in December the collector notified me by letter that he had arrested a Russian for stealing sashes from the hospital building, and requested that I should grant him—

> The privilege of the services of the guard in keeping him in duress for some time; which authority I will assume under my present official and late provisional position.

This action upon his part was considered by me as a wide and unjustifiable departure from the line of action we had agreed upon. The Russian arrested was a harmless, half-witted creole man, whom extreme poverty had driven to the larceny. Many others, both Indians and creoles, had been from time to time reported to me for similar offenses, and upon investigation I had found them to be objects more worthy of charity than punishment; and, had I deemed it advisable, he could have been arrested at any time and no harm be done by the delay. And it was not in accordance with my ideas to recognize this assumption of authority through power derived from the late attempt at government which, during its existence, had proved a clog to the advancement of the interests of the people.

I therefore so expressed myself by letter to the collector. But as he

had in this case requested one of the lieutenants of the Jamestown to give orders to the guard to imprison the man, I did not think it advisable to undo what had been done, and gave orders for the retention of the prisoner.

Correspondence upon this and subsequent events showed that I was mistaken in my idea that the collector agreed with me as to the status of the late government, and on December 19 he addressed to me an official letter, in which he presented an argument by which he maintained a claim to act as a provisional official, and to hold authority to prevent or punish any offenses. This letter was signed, "M. D. Ball, Collector and C. J., Sitka Prov. Govt."

Failing to be convinced by the arguments presented that the collector or any other person possessed a right to call upon me as senior naval officer present, for any official action, through any title or office derived from the late provisional government, I so informed the collector; and this failure upon my part to concur with his views in an official matter led to a breach in the plans of co-operation which we had established, which was however temporarily checked by the departure of the collector in the steamer leaving Sitka December 21. Which departure left the entire management of affairs, afloat and ashore, in my hands until May 15, 1880, when Collector Ball returned from Washington, he having previously returned from Portland by the steamer of 25th of January, and again left by the steamer of 27th January. During these four months I received however much valuable aid and counsel from the deputy collector, Dr. Dulaney.

Before the departure of Collector Ball in December a question arose, in regard to which it was necessary that we should hold consultation, as to our respective duties. Our views differed, and the question was by me referred to the Navy Department for instructions, and I presume by the collector to his department also, I having informed him as to my proposed action.

The question was as to the rights of United States citizens to attempt to obtain an ownership to any of the public land in Alaska, by pre-emption, and as to our relative duties in connection with such attempts.

For a full understanding of the merits of this question, it will be necessary for me to relate the history of the same up to this date.

HOMESTEAD AND PRE-EMPTION RIGHTS.

One of the first services asked of me by the citizens of Sitka was that I should represent to the department the great necessity which existed of some method being provided by which settlers could acquire homes, and a legal title to them; and in August, 1879, I wrote as follows:

> I would request instructions in regard to a method by which homes can be procured here. There are a number of miners, mining engineers, and others who are desirous of settling in Sitka and bringing their families. If they could pre-empt land or purchase land or houses from the government, the place would take a step forward; this they cannot do.
>
> By the decision of Hon. O. H. Browning, Secretary of the Interior, dated October 26, 1867, and directed to the Hon. Wm. H. Seward, Secretary of State, "such claims and settlements are not only without the sanction of law, but are in direct violation of the provisions of the laws of Congress applicable to public domain secured to the United States by a treaty made with a foreign nation."
>
> The government owns within the precincts of this town 3,000 acres of land, which could be made valuable, and the island of Biorca would furnish grazing ground for 500 cattle. A short distance to the northward are the Katliansky plains, where are about 250 acres of good grazing ground.

In dispatch dated October 11, 1879, I said:

A number of miners arrived by the steamer yesterday, men who had been at work at the Capiar mines, and most of whom had been unsuccessful.

These men find themselves upon arrival houseless. I have sanctioned their taking possession of, putting in order, and dwelling in the Army hospital building, which is commodious and empty. I think I can safely count upon their services should I need any extra force.

In my dispatch dated January 22, 1880, I wrote, in connection with suggestions as to government necessary:

The land here should be surveyed and existing titles perfected and protected, and it made possible to transfer real estate. The government owns much land and a number of buildings (the latter going to ruin), which could be sold at good prices. Dilapidated as they are, many of the buildings are now rented by the collector, and they are eagerly sought. The development of Alaska would be greatly advanced if the public land could be thrown open to pre-emption, and section 2258 of the Revised Statutes not be considered as bearing upon it. In such an event the rights of the native Indians should be considered as are those referred to in section 2310.

The circumstances which made it necessary for me to ask instructions from the department are detailed in the following dispatch, to which the notice referred to is appended:

U. S. S. JAMESTOWN, THIRD RATE,
Off Sitka, December 19, 1879.

SIR: I feel it my duty, acting as the senior representative of the government here, to call your attention to certain illegal acts which are being committed, but which do not properly come within the province of naval forces to prevent, unless duly called upon by competent authority. In apparent ignorance of all laws upon the subject, as given in the Revised Statutes of the United States, sec. 2258, many parties here are going through a series of forms, by which they imagine that they obtain pre-emption rights over such plots of public land in this vicinity as they may fancy. The forms are simple, the plots selected are staked, and in some cases fenced, notices are put up, and copies of said notices, together with a "claim," recorded by the collector in a blank-book kept for the purpose, and for recording mining claims.

So long as these processes were confined to the wild land I could see no harm in it, and did not feel called upon to interfere; but lately two parties have, so far as these processes go, taken possession of part of the ground reserved by the government as a parade ground and for officers' quarters.

In this emergency it seemed proper that some one here representing the government should protest. After consultation with Colonel Ball, and receiving from him the assurance that he did not consider it to be his duty so to act, I prepared a notice, copy of which is inclosed, and posted it on the door of the custom-house, and in person notified the two claimants of the illegality of their acts. Both yielded and expressed willingness to remove all obstructions. As I had no desire to commit the department to the assumption of a responsibility which does not probably belong to it, and which it might be unwilling to assume, I simply directed that no obstruction should be caused by fences, and that all "notices" of "claiming" should be removed, and that all building, &c., should be postponed until I should receive from the department instructions as to its views, which I now respectfully request.

I make this report with reluctance, for my sympathies are with those who are thus trying to obtain homes in Sitka, and I feel that after doing what it has for Sitka, the department may be unwilling to take any step which may not be its duty, which would tend to retard the advancement of the place.

I also regret being compelled to perform a duty the non-performance of which may reflect upon the collector, for whom I, with every one else here, have the greatest esteem. By force of character he has acquired a leadership here, and has settled wisely many embarrassing questions, and my duties have been made comparatively easy by his course. In justice to him I should say that he informs me that upon each occasion he has informed claimants that his recording had no legal status, and simply amounted to a written history of the affair. And he had, previous to my knowing of the last case of "pre-emption," himself posted a notice warning against "further encroachments." We differ only in that I think the first encroachment should be included in the warning. His notice was taken down when mine was posted.

I am very averse to using a particle of authority here which is unnecessary, or to entangling the forces under my command in any domestic complication; but having been honored by the department with discretionary orders, I cannot see that I can

do less than fully apprise it of the state of affairs, and ask for its instructions, so that I may make no mistake.

Very respectfully,

L. A. BEARDSLEE,
Commander, U. S. N.

Hon. R. W. THOMPSON,
Secretary of the Navy.

NOTICE.

In pursuance with the duties with which I am intrusted by the government, I would call the attention of the public to the following extract from the Revised Statutes of the United States, section 2258, page 417:

"The following classes of land, unless otherwise especially provided for by law, shall not be subject to the rights of pre emption:

"First. Lands included in any reservation, by any treaty, law, or proclamation of the President, for any purpose.

"Second. Lands included within the limits of any incorporated town or city."

And to the following extract from letter of Hon. William H. Seward, Secretary of State, to General U. S. Grant, Acting Secretary of War:

"Claims of pre-emption and settlement of the land districts of Alaska are in direct violation of laws applicable to the public domain, and military force may be used, if necessary, to remove intruders."

All are therefore notified that the parade ground, and other pieces of land reserved by the government, as per map in the custom-house, are, by the above-quoted sections, exempt from pre-emption.

L. A. BEARDSLEE,
Commander, U. S. N., Senior Government Officer Present.

To this request for instructions the department answered as follows:

NAVY DEPARTMENT,
Washington, January 17, 1880.

SIR: Your letter of the 19th ultimo, in regard to the rights of pre-emption of public lands at Sitka, Alaska, has been received.

Your course in reference to the pre-emption of lands or lots occupied by the public authorities is approved.

You are not expected to resort to force in such cases as those referred to, but will, as you have done, notify settlers that such lands are occupied exclusively for the use of the United States.

As regards other lands, the department is of opinion that they cannot be embraced within the pre-emption laws of the United States; but upon this subject you will leave the collector to act upon his own responsibility, as decisions in regard to questions of this kind do not properly pertain to the jurisdiction of the commanding officer of the Jamestown.

Whether parties whose claims are recorded by the collector get their titles hereafter must depend upon what Congress may do in regard to this matter.

R. W. THOMPSON,
Secretary of the Navy.

Upon receipt of the above letter, its contents were made known to the parties who had made the claims which were the origin of the question, and they at once complied with its requirements. And so far as the Navy Department had power the question was settled; and to this day no man can obtain a legal right to any property, except mineral land, in Alaska.

Although not in my power to assist any person in this connection, I was called upon often for such assistance.

I will give one typical case, which will illustrate the needs of the people and the position I occupied in the matter.

A druggist in the town (one of the number who signed the petition to the President in April, 1879) saw fit to begin the erection of a building across one of the streets of the town. The people who occupied property which would be injured by such a building very naturally objected to his carrying out his plans, but their objections were not heeded; several hard-up miners, who were known to be men who would fight if nec-

essary, were employed to dig foundations, &c., and no one in Sitka had legal right to stop the building, or courage enough to take any steps. In this emergency a public meeting was called, at which the following letter was prepared and forwarded to me:

SITKA, ALASKA, *June* 18, 1880.

SIR: We, citizens and property-owners of Sitka, respectfully request you to prevent James Schmeig from erecting a building on the street in front of George Cozian's, as he is about to do.

This street has been open for one hundred years, and has always been a street of this town, and by putting up the building proposed the rights of many property-owners will be damaged.

Respectfully, yours,

George Kastromitenoff.	N. A. Fuller.	L. Petalin.
A. J. Linden.	D. Martin.	N. Chichineff.
Nat. Hilton.	A. Cohen.	P. Murphey.
A. G. Cozian.	H. E. Cutter.	Pat Corcoran.
S. Milletich.		

And others with unreadable signatures.

Capt. L. A. BEARDSLEE.

REPLY.

GEORGE KASTROMITENOFF and others:

GENTLEMEN: In reply to your communication of yesterday, in which you, as citizens and property-owners of Sitka, request that I should prevent Mr. James Schmeig from erecting a building upon a certain location designated, I would state that I cannot comply with your request.

It is not the province of the United States Government, certainly not that of the naval branch of the same, to interfere with the private affairs of the citizens of Sitka; nor to undertake, without law to back it, the settlement of disputes which do not involve a disturbance of the public peace.

The pre-emption or taking possession of any land whatever (except mineral) in Alaska, is an act which violates the laws of the United States. It is not for me to say that one man may and another may not violate this law.

I have already referred the question involved to the Navy Department, and have received instructions that "decisions in regard to questions of this nature do not properly pertain to the jurisdiction of the commanding officer of the Jamestown."

The history of the foregoing case has been thus given in detail, not because of any inherent importance, but because it adds to the evidence heretofore given as to the helpless condition of the citizens of the United States who have sought Alaska for homes, and shows plainly the inefficiency of military or naval laws to furnish the required help.

The only step that I could be justified in taking was to suppress riot; and in so doing I gave protection to a man engaged in violating the rights of the entire community. I fully sympathized with these people. Mr. Schmeig was attempting to commit an act which in any other civilized place in the world could be prevented by lawful proceedings; but there was not a power in Sitka to prevent him.

Public feeling was much excited, and threats of forcible measures were made. The people were warned by me that in such an event, as a street fight would probably endanger the lives of persons not engaged, troops would be landed immediately upon the start of a riot, and all persons engaged in such riot arrested.

That night the building, as far as it had progressed, was pulled down by "unknown parties," and Mr. Schmeig yielded to the advice given to him by the collector, myself, and others, and to his fear of consequences, and gave up the attempt.

EXPEDITION FOR RELIEF OF MAIL STEAMER CALIFORNIA.

The monthly mail steamer due at Sitka June 7, 1879, failing to arrive, and grave apprehensions being entertained that she had met with some accident in the inland waters—in which case, judging by the fate of the

passengers who were lost on the steamer George Wright a year before, those on board of the California would also be exposed to great perils—I resolved to take all steps in my power to give them assistance.

A small steamer, the Rose, belonging to a merchant in Sitka, was chartered, outfitted, and armed with howitzer and Gatling gun, and under the command of Ensign N. R. Usher, who volunteered for the duty, dispatched to Wrangell on the 18th of June to search *en route*.

The steamer was chartered because I had no confidence in the ability of either of our steam launches to perform with safety the journey of 160 miles, until we should have been able to effect considerable alterations in both.

The Rose was represented by every one as seaworthy and well adapted for the voyage. The trip should have been performed in a week or ten days, allowing ample time for the search of various places on the route, which Mr. Usher was directed to make.

The mail steamer arrived on the 23d June, having been detained at Portland. She had met the Rose just outside of Wrangell Harbor on the 22d; had made endeavor to tow her back to Sitka, but found that such effort would probably result in the swamping of the Rose, which, it was reported, would go into Wrangell for fuel, and start back immediately. She should have reached Sitka by the 26th or 27th. Failing to do so, anxiety in regard to her sprung up, which was increased by many tales, now brought forward for the first time, as to the unseaworthiness of the Rose.

On the 2d of July I thought it advisable to make some effort to hunt her up, and, fitting out the largest steam launch, went myself in search, finding her at anchor, broken down, in a harbor in the eastern part of Revil Straits, on the evening of the 3d July; and after effecting repairs, both boats returned to Sitka on the 5th.

From the report of Mr. Ushur, I became convinced that the condition of the boiler, &c., of the Rose was such that I would not be justified in ever again using her for any purpose, she having narrowly escaped loss on this trip; and my own experience in our best launch showed me that I could not depend upon these boats for any distant service. We were thus reduced to oars and sails as our only propelling power to reach any part of Alaska, beyond a few miles from Sitka Harbor, and under date of July 15 I reported:

> Our steam launches are good boats, but with both of them we have had more or less trouble with the engine and boilers, and when we get them both into trustworthy condition they would still be unequal to the work of making surveys far from the ship. They cannot carry coal, water, provisions, arms, instruments, &c., sufficient to do the work. For winter work here a small steamer, such as those known as the "ninety-day gunboats," is required. She could run with ease to any point where American interests were threatened; while, should I hear of troubles at Wrangell, or the Stikiene River, the most probable places, I should be helpless; for, although I should wish to, I could not go to the rescue. Such a position would be a most painful one, and I would earnestly request either that in the fall this ship may be relieved by a steamer, or, if it be considered necessary that she should stay here, a suitable steamer may be sent to co-operate. I cannot again send the Rose; she is hopelessly used up.

During the next summer, as will be described in due sequence, a few weeks, work in a small chartered steamer, the Favorite, resulted in the accomplishment of much valuable work.

SCHOOLS.

There were in Sitka about sixty or seventy children, of whom the larger number were those of the creoles. Many of them were bright and intelligent, but all were growing up in ignorance and vice.

I felt that in carrying out my instructions to advance the interests

of the United States in Alaska, the establishment of a school at which these children could be fitted to occupy their future position as United States citizens would be justified. By my request a gentleman well qualified for the duties, Mr. Alonzo E. Austin, of New York, then residing temporarily at Sitka, undertook the superintendence of a school, and by personal canvass a subscription of sufficient amount to recompense him was raised, and a room in the barracks building, which had already been partially fitted by agents of the Presbyterian Board of Home Missions, Mr. John G. Brady and Miss Kellogg, and in which a school had been kept for a short time by them two years before, was assigned again to the purpose; and during the remainder of my stay in Sitka, and until this date, this school has been in successful operation, supported partially by subscription and partially by your office, which allows to it the services of one of the interpreters who are necessarily employed by the commanding officer at Sitka.

I have, since beginning this report, received from Sitka the programme of an exhibition and examination of this school, and by it I see tha children who could not speak a word of English, or read and write in their own native Russian, are now capable of doing all these things in good English, in which they recite and write compositions.

The training these children received in the school exerted a strong influence over their parents and other adults, and thus it became a great help to me in preserving order in the town.

The school was from time to time visited by arriving passengers, among whom were several capitalists from San Francisco, and clergymen. All expressed approbation, and all promised assistance. Bishop Nestor, of the Greek Church, alone kept this promise.

During the autumn and winter of 1879 the white population of Sitka was greatly increased, and, as many of the new arrivals were of a far higher class than the average of the residents at the date of our arrival, the tone of the community was greatly improved. Missionaries had been sent by the Presbyterian Board of Home Missions, and their work soon began to be apparent upon the Indians.

Business men, and miners who had been deterred from bringing their families to Sitka on account of the absence of all law, became satisfied that it was safe to send for them, and a church for whites, another for Indians, and Sunday-schools sprang into existence.

In April, 1880, I caused a census to be taken, with the following result, in which I have not thought necessary to include the names of the creole population:

Census of Sitka, Alaska Territory.

[Taken April 25, 1880, by Commander L. A. Beardslee, U. S. N.]

UNITED STATES CITIZENS BY BIRTH.

Men.		Women.	Children under 15 years.	Total.
Name.	Occupation.			
M. D. Ball	Collector	Mrs. Ball	4	.....
		Miss M. Ball	.....	.....
		Miss S. Ball *	.....	8
W. D. Dulaney	Deputy collector	.....	.....	1
Edward Francis	Clerk to collector	.....	.....	1
A. E. Austin	Teacher	Mrs. Austin	1	.....
		Miss O. Austin †	.....	.....
		Miss H. Austin ‡	.....	5
		Mrs. G. E. Pilz	1	2

* Postmaster. † Missionary. ‡ Teacher.

Census of Sitka, Alaska Territory—Continud.

Men.		Women.	Children under 15 years.	Total.
Name.	Occupation.			
A. T. Whitford	Storekeeper			1
John G. Brady	do			1
John Pickens	do			1
N. A. Fuller	do			1
H. Boreen	Butcher			1
Wm. H. Bennett	Carpenter			1
M. Travis	Gardener			1
H. Wildes	Caulker			1
Edward De Kroff	None			1
Walter B. Styles	do			1
Charles Brown	Clerk			1
Ed. James	do			1
Noah Davis	Mariner			1
F. Wilson	Bar-tender			1
J. Riley	Clerk			1
A. McFarland	Laborer			1
R. H. Bishop	Cook			1
N. H. Hilton	Lumberman			1
F. Staar	Builder			1
George Knowles	Saloon-keeper			1
J. Allen	Saloon and restaurant	Mrs. Allen	1	3
S. Session	do	Mrs. Sessin		2
W. M. Stewart	Saloon-keeper			1
Charles Decker	do			1
Noah Jacobs	do			1
R. Willoughby	do			1
M. P. Barry	None			1
D. Martin	Storekeeper			1
S. Greenman	Barber			1
J. Allard	None			1
A. Cohen, jr	Brewer	Miss P. Cohen		2
John Haley	Miner	Miss H. Cohen		2
Edward Haley	do			1
T. H. Bennett	do			1
C. Morse	do			1
O. Cooper	do			1
P. Howe	do			1
J. Long	do			1
J. T. Smith	do			1
Ed. Bean	do			1
H. N. Steele	do			1
John Dix	do			1
W. Pierce	do			1
T. C. Doran	do			1
R. Harris	do			1
George Harkrider	do			1
J. C. Coons	do			1
J. D. Miller	do			1
M. A. Hays	do			1
T. Corwin	do			1
William Reed	do			1
John Jamison	do			1
F. Gideon	do			1
G. G. Langtry	do			1
James Rodgers	do			1
G. W. Barnes	do			1
P. Cloudman	do			1
C. H. Mitchell	do			1
D. Ackerman	do			1
A. Long	do			1
W. Northrup	do			1
W. Hicks	do			1
A. Francis	do			1
J. Sagemuller	do			1
J. Godbolt	Civil engineer			1
Joseph Twan	Shoemaker			1
Thomas King	Laborer			1
William Moore	Miner			1
S. Matthews	do			1
B. Seacord	Steward			1
Total United States citizens by birth				92

NATURALIZED UNITED STATES CITIZENS AND OTHERS.

Names.	Nativity.	Naturalized.	Occupation.	Women.	Children under thirteen years.	Total.
A. Cohen	Germany	Yes.	Brewer	Mrs. Cohen*	1	3
J. Cohen	do	Yes.	Saloon-keeper			1
T. Mooney	Ireland	Yes.	do			1
W. Thompson	Scotland	Yes.	do			1
A. Milletich	Austria	Yes.	Saloon-keeper and billiards.			1
George Berry	England	Yes.	do			1
P. T. Corcoran	Ireland	Yes.	do			1
				Mrs. Guestin†		1
Thomas Haltern	Germany	Yes.	Storekeeper	Mrs. Haltern		2
Samuel Goldstein	do	Yes.	do	Mrs Goldstein	2	4
Patrick Corcoran	Ireland	Yes.	do	Mrs. Corcoran†	1	3
L. Caplan	Turkey	Yes	do	Mrs. Caplan	2	4
H. Thein	Germany	Yes.	do	Mrs. Thein	1	3
A. Martin		Yes	do			1
P. Errassard	France	Yes.	Butcher			1
Joseph Hayes	Ireland	Yes.	Shoemaker			1
R. J. Duggan	do	Yes.	Carpenter			1
W. Zable	Norway	Yes.	Boatman			1
Ed. Doyle	Ireland	Yes.	Gardener			1
D. A. Peterson	Norway	Yes.	Carpenter	Mrs. Peterson†	2	4
Henry Bartle	Germany	Yes.	do			1
Cohanning	Finland	Yes.	do			1
S. Wethermier	Germany	Yes.	Clerk			1
T. Mahoney	Ireland	Yes.	do			1
C. Wells	do	Yes.	Blacksmith			1
S. Milletich	Austria	Yes.	None			1
J. Smeig	Germany	Yes.	Druggist	Mrs. Smeig†	4	6
George Cozian	Austria	Yes.	Pilot			1
William Richter	Germany	Yes.	Baker	Mrs. Richter†	2	4
A. Marix	Austria	Yes.	Lumberman			1
R. Waussen	Germany	Yes.	Laborer			1
Fred. Kein	do	Yes.	Cook			1
G. Heman	do	Yes.	Tinsmith			1
F. McGuire	Ireland	Yes.	Baker			1
J. Hollywood	do	Yes	Mariner	Mrs. Hollywood†	2	4
Ed. Ryan	do	Yes.	Blacksmith			1
John Halstead	Finland	Yes	Engineer	Mrs. Halstead	2	4
George E. Pilz	Germany	Yes.	Mining engineer			1
N. Haley	Ireland	Yes	Miner	Mrs. Haley	3	5
J. Prior	England	Yes.	do	Mrs. Prior	2	4
Ed. Prior	do	Yes.	None			1
R. Champion	Ireland	Yes.	do			1
M. Cleander	do	Yes	do			1
John McKenna	Scotland	Yes.	Miner			1
A. Graber	Sweden	Yes	do			1
M. H. Gibbons	Ireland	Yes.	do			1
M. Dunn	do	Yes	do			1
H. Campbell	Newfoundland	Yes.	do			1
R. Albertson	England	Yes.	do			1
J. Tallon	Ireland	Yes.	do			1
J. Jareau	Canada	Yes.	do			1
L. Czarovitch	Austria	Yes	do			1
Frank Berry	do	Yes.	do			1
D. Kennedy	Ireland	Yes.	do			1
P. McGlenchky	do	Yes.	do			1
John McKenna	do	Yes	do			1
A. Nelson	Scandinavia	Yes.	do			1
J. Leidig	Germany	Yes.	do			1
Robert Noods	Scotland	Yes	do			1
James Martin	England	Yes.	do			1
Thomas Fielding	do	Yes	do			1
John Gorman	do	Yes.	do			1
Thomas Mahoney	Ireland	Yes.	do			1
F. Alistry	do	Yes.	do			1
Thomas Lyons	England	Yes.	do			1
J. Lemon	Ireland	Yes.	do			1
G. M. Donnelly	do	Yes.	do			1
—— Lattimer		Yes.	do			1
E. Gregor	Canada	Yes.	do			1
Dennis Barrett	Ireland	Yes.	do			1
J. Rosewall	England	Yes.	do			1
Robert McGraw	Canada	Yes.	do			1

*Restaurant. †Members of Greek Church and natives of Sitka.

NATURALIZED UNITED STATES CITIZENS AND OTHERS—Continued.

Names.	Nativity.	Naturalized.	Occupation.	Women.	Children under thirteen years.	Total.
J. A. Redetz	....do	Yes.	Miner		....	1
James McChesky	Ireland	Yes.	....do		....	1
Thomas Olliver	England	Yes.	....do		....	1
J. Lannahan	....do	Yes.	... do		....	1
James Curran	Ireland	Yes	....do		....	1
James McCafferty	....do	Yes.	....do		....	1
J. Martin	England	Yes.	....do		....	1
J. Tiernan	Ireland	Yes.	....do		....	1
John Olds	....do	Yes.	....do		....	1
A. Marks	....do	Yes.	....do		....	1
F. Cushman	Germany	Yes.	....do		....	1
J. Mehan	Scotch-Irish	Yes.	....do		....	1
J. N. Warren	Ireland	Yes.	....do		....	1
Thomas Kernan	....do	Yes.	....do		....	1
Total United States citizens by naturalization						123

RECAPITULATION.

Citizens by birth,	men 74,	women 11, children	7		92
Citizens by naturalization,	men 85,	women 14, children	24		123
Citizens by treaty,	men 122,	women and children	107		229
	281,	women and children	163		444

Of the above "citizens by treaty," 6 creole women, married to naturalized citizens, and their 11 children, have been enumerated as "naturalized." Counting them as citizens by treaty, these will sum up 245.

The following comparison with census taken in May, 1879, shows a gain of 119 persons:

Comparison of census 1879 *and* 1880.

	1879.	1880.			
Citizens by birth	34,	92,	Gain	58	
Citizens by naturalization	44,	123,	Gain	79	
					137
Citizens by treaty	247,	229,	Loss		18
	325,	444,	Gain of		119

or 36 per cent.

Citizens of Sitka, April, 1880, *classified by occupations.*

Miners	82	Mariners	3
Saloon-keepers	16	Butchers	2
Traders	11	Barbers	2
Carpenters	7	Brewers	2
Clerks	6	Gardeners	2
Government officials	3	Laborers	2
Blacksmiths	3	Baker	1
Lumbermen	3	Druggist	1
Teachers	3	Unemployed	45
Engineers	3		

In the above classification, only those not creoles are counted. Among them there were various trades represented, such as fishermen, fur-cleaners, tanners, tinsmiths, carpenters, tailors, mariners, and hoo-che-noo makers; and there was also *one* Russian, the priest.

Shortly after the taking of the census, most of the miners left Sitka for the purpose of prospecting the country in various directions, but nearly all remained in Alaska.

During the summer and fall of 1880, the population increased gradually, most of the persons arriving coming to stay. Among the arrivals were the Rev. G. W. Lyon and wife; the former a missionary sent by the Presbyterian board of home missions.

Upon the arrival of Mr. Lyon it was necessary to provide him with a home and a suitable room for a church and school; this was done by setting aside for his use rooms in government buildings, viz, the barracks and hospital.

But for the assistance thus given by the government, the object of the mission board could not have been attained.

Coincident with the increase of population business revived. Several new houses and places of business were erected, and a number of small vessels were constructed in an extemporized ship-yard, fronting the government parade ground. As this business tended to advance the interests of the country, I made no opposition to the use of the government reserve, it being understood that such use was but temporary and subject to discontinuation if necessary.

Some little commerce sprung up, and during the summer several vessels arrived with freight, principally lumber; for although the surrounding country was rich in valuable timber, there was no mill by which it could be utilized. One belonging to a company in San Francisco being so dilapidated that it could not be used economically, and the company neglecting to operate it held it at so high a price that parties desiring to purchase and put it in running order were unable to do so.

A small steamer, the Favorite, belonging to the Northwest Trading Company, began making monthly trips to various places in the Archipelago, where the company had established trading posts; and Sitka having been selected as her port of departure, the family of Captain Vanderbilt, who commanded her, became residents, and were also furnished with quarters in government buildings, the collector having authority to rent such buildings, of which there are eight or ten of considerable value, besides others of comparatively little. The valuable ones are custom-house, barracks, castle, hospital, two warehouses, clubhouse, boat-house, and two dwellings, occupied by the collector and deputy collector. All of these buildings are becoming dilapidated; they not being founded on stone, the foundation timbers have become very rotten, and the roofs have become water-soaked and leaky.

A survey of these buildings, and an estimate as to the amount of repairs absolutely necessary to preserve them from destruction, was made during the summer of 1880 by officials of the Treasury Department, assisted by the carpenter of the Jamestown, Mr. Martin, which, I presume, has been submitted to the Treasury Department. I was not furnished with a copy.

WHARF.

Among other property of the government was a large wharf, which had been built by the Army. Upon our arrival we found this wharf so nearly destroyed that it was determined to place it in order as far as practicable.

A board of officers, of which Lieutenant-Commander Rockwell was senior member, was detailed to devise a plan for its restoration, which plan was approved by the collector and myself, and operations were at once begun by a working force from the Jamestown; and at the expense

of the Navy Department the wharf was put into comparatively good and safe condition.

As a part of the plan it was arranged that a pile of stones should be so placed that they would give support to short preventer-piles, the bases of which should be above the water-mark, and thus safe from the action of teredos. This pile was to be placed at the expense of the town, or rather such persons as should use the wharf for landing freight, upon which wharfage should be charged.

Collector Ball undertook this part of the work.

Owing to reasons with which I was not made acquainted, the collector was not able to carry out his arrangement, and up to the date of my detachment, in September, 1880, the stone pile had not been built.

The wharf stood the heavy gales of the winter of 1879–'80, but owing to a radical defect in its original construction, was considerably weakened by them. This defect was in the foundation, which consisted of crib work of timber filled with heavy stones, and built on a steep incline. The teredos honey-combed the woodwork, and the stones rolled down the hill.

In the spring of 1880, it became evident that the wharf must be rebuilt, and I addressed to the collector the following letter:

U. S. S. JAMESTOWN, *July* 29, 1880.

SIR: I would respectfully notify you that unless steps are soon taken tending to the preservation of the government wharf, the deterioration which is now taking place will have increased to such an extent as to render it impracticable to attempt to save it; and that in my judgment it will not stand through another winter.

Whenever you will cause to be completed the portion of the work undertaken by you, viz, the construction of a stone pile, of dimensions sufficient to insure a firm foundation, I will carry out the arrangements made last year, and cause piles to be erected which will greatly increase the security of those already placed by my orders.

M. D. BALL, Esq., *Collector*.

To which letter the collector replied in a letter which contained, beside personal matters not necessary to quote here, a history of the various effort which had been made by him for the preservation of the wharf, and a statement that lack of the necessary funds alone prevented him from completing the work.

This work never was completed, and, as I had predicted, the wharf was utterly destroyed by a severe gale of wind last October.

Up to this point this report has been confined to such subjects as served best to illustrate the position and condition of the citizens of the United States dwelling at Sitka, the relationship existing between them and the Indian natives, and the position assumed by the government through its representatives, Collector Ball and myself, in connection with their affairs.

The duties involved were irksome and uninteresting, and the responsibility great, inasmuch as it was frequently necessary, as has been shown, that acts should be performed by us which could not be justified by any law except the natural law by which might becomes right.

Our duties were rendered more complicated by uncertainty as to the jurisdiction of the United States district court of Oregon, and the strong possibility that its views might differ so seriously from ours that we would become personally responsible to the law for the performance of what seemed plainly to be duty.

In regard to the frequent violation of the two sections of the act of July 27, 1868, as amended in March, 1873, it would seem that we were possessed of full power to lawfully secure the punishment of offenders, but there were practical obstacles not contemplated by the law.

A trial at Portland involved a great expense to the government, which there was no chance of reducing by the proceeds of the fines, as not one hoo-che-noo maker in Sitka was able to pay the tenth of the amount.

Our relations with the Indian tribes were very interesting, and through the operations of the Jamestown, in connection with them, much improvement has been made in their condition and in their relationship with the whites. These operations will be now described.

PART II.

OPERATIONS OF THE JAMESTOWN IN CONNECTION WITH THE INDIAN TRIBES OF SOUTHEAST ALASKA.

PART II.

THE INDIAN TRIBES OF ALASKA, AND THE OPERATIONS OF THE JAMESTOWN IN CONNECTION THEREWITH.

It had been made my duty to restore harmonious relations between the whites and Indians of Southeast Alaska, and the steps taken to this end, in the preliminary effort to establish harmony among the whites themselves, have been detailed.

My position in regard to the Indians would have been very complicated had I made effort to control them in accordance with the provisions of the Revised Statutes bearing upon Indian affairs, for nearly all of the sections presuppose a very different condition of affairs than prevailed in Alaska.

The question whether the country was or was not Indian territory was an open one, on which learned authorities differed, and if it was so considered, I could not find authority for me to assume the functions which would have pertained to an Indian agent had there been one; and there had never been made with these Indians any treaty, the fulfillment of the provisions of which I could demand.

As far as I could understand the situation, I was left untrammeled to devise such scheme as should prove best adapted to restore the harmonious relations on a permanent basis.

The only sections of the Revised Statutes which were of service to me were section 2145:

> Except as to crimes, the punishment of which is expressly provided for in this title, the general laws of the United States as to the punishment of crimes committed in any place within the exclusive jurisdiction of the United States, excepting the District of Columbia, shall extend to the Indian country.

Also section 2146:

> The preceding section shall not be considered to extend to (crimes committed by one Indian against the person or property of another Indian, nor to) any Indian committing an offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulation, theex clusive jurisdiction over such offenses is or may be secured to the tribes respectively.

From these I deduced—

First. The United States had exclusive jurisdiction over Alaska.

Second. As the senior government official present, it was my duty to maintain this jurisdiction.

Third. There were no complications due to treaties.

Fourth. The laws of the United States recognized the local laws of tribes as competent to inflict punishment.

Fifth. That as such jurisdiction had been turned over to sundry tribes by treaty stipulations, I would be justified in making use of the precedent when such action should seem to me advisable.

It was important that I should familiarize myself with their local laws, and while so engaged, I found that a study of their customs, character, and especially their superstitions, was equally necessary.

Before attempting any control over them, I had resolved upon two vital principles to be guided by:

First. To, under every circumstance, treat the Indians with perfect justice, to the best of my judgment; and, second, to avoid, unless forced to act otherwise, all attempts to govern by force, and to substitute, as far as possible, leading for driving.

INDIANS AT SITKA AND VICINITY.

Upon our arrival we found at the Sitka ranch about 150, mostly women, children, and old people; but within two to three days' canoe distance 300 or 400 more of the Sitka Indians were scattered, sea-otter hunting and fishing.

These could very soon concentrate in Sitka, and passing by the villages of other tribes with whom they were more or less connected, twice as many more could be collected, all provided with great canoes in which war parties of from 20 to 50 are carried. It was therefore necessary that we should acquire control of these tribes also.

If by a mistake we won the ill-will of the Indians, it would have been impossible for me, with the force at my disposal, to prevent outrages or punish the perpetrators.

The channels of the archipelago are marked by rapids and other dangers, which would effectually prevent a sailing ship from threading them; and our steam launches were not as suitable for the work as we had expected to find them. The engines, boilers, fuel, and water occupied so much space that there was not enough left to carry to any great distance, with provisions and outfit, an armed party of sufficient size to prove formidable upon arrival.

The launches were not provided with condensers, therefore could not use salt water, and were compelled to stop every four hours or oftener to obtain water at creeks and waterfalls, and while thus engaged at the mouth of a creek issuing from a dense forest the working party would be exposed to attack from concealed enemies.

Fully conscious that, should our course in handling them be such as to excite the opposition of the Indians, our physical force would not prove equal to the task of subduing them, it was deemed advisable that our efforts should be directed to obtain control of them with their good will and consent, instead of trying to do so against it, and to avoid taking any steps which would redound to the injury of the whites at Sitka if left again without protection, or which would tend to increase the dangers to such men as sought the interior on prospecting trips.

Further, any bombardment of an Indian village, especially the one at Sitka, would inflict injury upon friends and foes alike, for in nearly every tribe there are some families who are friendly, and these are generally the most powerful, they having amassed riches through trade with the whites.

I first sought for the causes which had produced the hostility between the whites and the Indians. I found a wide-spread fear of the Indians existing among the whites; this fear, however, was not as great as it had been, for the whites had begun again to furnish to the Indians the materials for making rum, a traffic which they had suspended during the worst of their scare.

Furnished with liquor, the Indians became dangerous, and every night wild orgies occurred in the ranch, accompanied by fights in which knives were freely used.

INDIAN LAWS.

According to Indian law the man who gets another drunk is responsible for the acts committed by him while in that state, and for his life if he dies or is killed. Thus at the very root of the difficulty I found the acts of bad white men.

The Indians have a code of laws based upon their ideas of strict justice. If one Indian inflicts a blow or any other injury upon another the matter can be, and frequently is, adjusted at a consultation in which both families are represented either by the inflicting of an equal injury or by the payment to the injured party of an equivalent. Even a life taken can be settled for in this way, payments being made, according to the amount assessed, in slaves, furs, or blankets. By the unwritten but thoroughly established provisions of this law a man who sells or gives to another liquor. from the effects of which death ensues, is responsible for the death, and must pay the assessed value. If an Indian dies while in the house of another, or if killed in any way while in the employ of another, the house-owner or employer is responsible- The Indians seldom fail to yield to this, the very foundation of their laws, and a refusal to make equitable reparation is always a cause of war.

ORIGIN OF TROUBLE WITH WHITES.

They had this cause against the whites: Five of the Kaksatis had been drowned while serving on board the American schooner San Diego, which was lost in Bering Straits.

Through their chief, Katlaan, they pressed the whites at Sitka for compensation for these men, at the rate of $200 each. After several conferences with the collector, who explained to them that by our laws this payment could not be made, the claim was reduced to one for the wages due the drowned men at the date of their death. I have been informed that these wages were collected at San Francisco, but swallowed up in fees and expenses. The Indians got nothing, and, naturally, could not comprehend the situation, and considered themselves as greatly wronged by the whites.

As chief of the tribe, it was the duty of Katlaan to act for them in this matter, and he, being angered by what he and they considered injustice, made threats against the whites "to get even."

He left Sitka immediately after the affray in February, and, being absent, all responsibility for it was laid upon his shoulders, and his name became a terror to the whites, who anticipated all sorts of trouble "when Katlaan came back," and some of whom, probably the same parties in all cases, furnished to Captain A'Court, of the Osprey, to Captain Selden, of the revenue-cutter Wolcott, and to me, when I took charge, statements to the effect that Katlaan had led the attacking party, having originated the outbreak, and that he endeavored to induce the Indians to sack the town; that, failing in this, he had gone down the coast to incite the other tribes to attack Sitka.

These statements were incorporated in their official reports.

Statements made to me by other reliable parties led me to doubt the truth of all of these accusations, and, after careful investigation, I became convinced that the man was not guilty of a very large percentage of the offenses charged against him.

I came to believe that on the night of the affray Katlaan was perfectly sober, and used his utmost influence to assist Annahootz in quieting the drunken Indians. Had he headed that party, every Kaksati in

the ranch would have been in it; and instead of a broil between half a dozen drunken Kaksatis on one side and a large force of Kok-wa-tons on the other, there would have been a fight of considerable magnitude. I learned, too, from creole families that Katlaan had that night sent to their protection trusty members of his family, and that he himself went to the house of a white friend to defend him and his family if molested by any drunken Indians. In short, I became convinced that he was not in any way responsible for the affray, further than the effect which may have been produced by the threats made by him when angered by his failure to obtain compensation for the lost members of his family.

Annahootz testified to this effect, as did several of the leading Kok-wa-ton Indians; and the deputy collector, Dr. Dulaney, informed me that this chief offered his services in having the murderers hung at once in Sitka.

All agreed that Katlaan was brave, powerful, and intelligent, and I considered that it was well worth while to turn such a man from an enemy into a friend.

I have gone thus into detail in regard to this man because I believe that his influence was the power which restrained the disorderly men of his family on the night of the affray; also, because my subsequent treatment of him, based upon this belief, has been made the subject of considerable adverse criticism.

STEPS TAKEN TO PRESERVE ORDER.

Soon after our arrival, it became necessary that steps should be taken to preserve order on shore.

Wild orgies took place nightly at the ranch, accompanied frequently by fighting and stabbing, and in the white settlement certain dissolute and desperate characters endangered the lives of all citizens by their frequent drunken assaults, generally upon women and children.

The Army guard-house, which was well fitted for our purpose, with cells, &c., was put in order, and a guard of trustworthy marines there stationed.

It did not, however, seem to me good policy to employ the marines in arresting Indians. The least evil from such a course would have been the engendering of ill-feeling; and there was the risk that, in case of resistance by drunken Indians, the small arresting party might be overpowered, or forced to extreme measures in making arrests, the former of which would seriously injure their prestige, and the latter produce a blood feud that some time or other would be settled. A corporal with a couple of men would be in bad company if a dozen or more crazy Indians attacked them, in their own ranch.

I determined to teach the Indians to control themselves, and to obey primarily their own laws, and to this end appointed as policemen five of the most trustworthy and influential, to whom the duties of preserving order in the ranch and of arresting all disorderly or drunken Indians who came into the white settlement, were assigned. They were instructed to in no emergency attempt to arrest or molest any white man, and they were particularly cautioned that rewards offered for the apprehension of deserters were not to be earned by them; for such action upon their part would have drawn upon them the hatred of the crew, and drunken liberty men would have instigated troubles.

Annahootz was appointed chief, with four assistants, all of whom had helped subdue the riot in February.

These appointments were made at a meeting of the leading Indians,

which I had called, to whom I explained my intentions and desire that they should learn to govern themselves. They all expressed approbation of the plan; but the leaders of the Kaksatis were not satisfied that all of the appointments should be given to Kak-wa-tous, and asked one for their family; this I declined to give, telling them that they had, by their conduct, forfeited any claims to such consideration, but that, if after six months' probation the conduct of the family had been such as to merit it, an appointment would be made from it. This satisfied them, and they promised to try to earn it.

During our stay at Sitka these policemen did all duties required of them, and it was never necessary for us to use our own men in arresting Indians or preserving order among them. Although we several times have landed armed parties with orders to assist the Indian policemen, if requested to by them, in suppressing riots among the Indians, their services were never required, the policemen receiving all needed aid from other sober Indians, among whom were notably those employed on board of the Jamestown as landsmen, and never failed to quiet disturbances. They were so successful in the sundry raids made by them upon the illicit distilleries, which sprung up like mushrooms at the least expected times and most unsuspected places in and near Sitka, that I determined to give them a thorough trial a little farther from home.

RAID UPON INDIAN RANCHES AT HUNTER'S BAY.

In August, 1879, Mr. Hunter, superintendent of the salmon canning establishment at Old Sitka (now called Hunter's Bay), wrote to the collector requesting him as chief magistrate to call upon me to send a force to destroy the distilleries surrounding the cannery, which gave him great annoyance, and through the drunkenness produced interfered seriously with his business.

Hunter's Bay is 6 miles from Sitka, and not visible from the town or harbor. In the neighborhood of the cannery there are three ranches, occupied by about 80 employés and their families, all Indians. I did not consider it wise or my duty to comply with his request.

A raid upon the villages by our men would probably be resented by the Indians, who would have undoubtedly done injury to the property, after we should have finished and returned to Sitka. Besides, I considered that in thus surrounding himself with Indians Mr. Hunter took a business risk; his increased profits through the employment of cheap labor should recompense him for some annoyances and drawbacks.

No outrages were charged, and therefore I could not interfere and place myself in the position of keeping his servants orderly by force. But the occasion suggested to me that this would furnish me with a valuable test of the correctness of my views as to the best method of managing Indians; also, of the estimation in which the ship was held and how strong our influence was.

Accompanied by Colonel Ball, whom I invited, three Indian policemen, and an interpreter, I went in one of the steam launches to the cannery.

On our approach there was great excitement in the ranches, and we could plainly see many stills and kegs being transported to the woods in the rear.

I assembled the Indians and addressed them, explaining my views as to hoo-che-noo, and warning them of the probable troubles which its use would entail upon them. I told them that I had come without soldiers, because I believed I could get them to do right when they understood it.

Calling for volunteers to smash up all the distilleries, over twenty Indians stepped forward, and as they insisted upon my going to see for myself, I did so, and in a few minutes I found myself the director of an excited crowd, who with axes, clubs, halibut killers, and stones, smashed up about forty stills, and destroyed great quantities of mash and liquor.

We went through all three of the ranches, our party rapidly increasing in force, every Indian whose still was discovered and destroyed becoming at once active in hunting up those of his neighbors.

During the whole affair I was treated with great respect, and apparently ran no risk, except perhaps from some enraged squaws, from whose impending clutches "Little Jack" rescued me.

After the raid a number of the Indians of the better sort thanked me for not bringing the soldiers, and begged me to stop the storekeepers from selling molasses. I found it very difficult to make them understand that, while the government condemned hoo-che-noo, it approved molasses.

The foregoing description is quoted from my dispatch of September 6, 1879.

During this raid an influential Indian, who is also a great rascal, "Sitka Jack," was very prominent, following my remarks by a fiery address to the multitude, and leading the destroying party to his own house where, first of all, his own still was smashed under his supervision.

By a note received from Mr. Hunter the next day, I learned that after our departure the Indians completed the work by destroying two other stills belonging to "Sitka Jack," which were located a short way off, and to save which valuable ones he had zealously sacrificed one of little value.

FIRST PUNISHMENT ADMINISTERED.

I did not think it advisable to begin a system of punishment of Indians for offenses, until I had taken every available method to cause them to understand our views of right and wrong, and for a considerable time after arrival contented myself with giving advice and admonition; but I found that an impression was growing up among the Indians that we were afraid of them; they had never been subjected to a government not mixed with force, and could not comprehend it. It became necessary to disabuse them of this erroneous impression, and a suitable opportunity presenting itself it was taken advantage of.

An outrageous assault upon a woman was committed by "Big Charlie," a very powerful, and, when drunk, dangerous Indian, who had, upon occasion of being punished by order of General Davis when in command, attempted to kill a sentry for revenge. All of the leading Indians were summoned by me to a council. "Charlie" was given a fair trial and opportunity to question witnesses and make a defense, found guilty, and punished severely.

The story of this trial, I afterward learned, spread throughout the archipelago; the fairness of it and the justice of the sentence were admitted by all; and the subsequent relieving the man from all disgrace on account of his punishment, by taking him upon our rolls and giving him employment, had a good effect. The man himself admitted that he deserved what he had received, promised to leave off hoo-che-noo, and for a year was one of the best behaved Indians in Sitka. I attribute this reformation, and the influence I gradually acquired over most of the tribes in the archipelago, to their appreciation of strict justice, upon which their own laws are based.

At the end of six months Katlaan returned, and reported on board of the ship. He said that he had learned from his people that the man-of-war treated all with justice—that it was a friend and not an enemy, and that he had resolved to stay away in exile no longer, but to deliver himself to me that justice might be done. I was favorably impressed with his manners, and after a short conversation, remembering my promise to the Kaksatis, I offered to him the position of policeman. This display of confidence won him, and from that day until I left, he was the most faithful and reliable of all, and upon one occasion risked his life in disarming two Indians, crazy with hoo-che-noo, who rushed toward our armed party, which was standing ready to back the policeman if necessary.

In appointing Katlaan, I not only did justice to a falsely accused man,

but secured the services and friendship of one of the most powerful and rising Indians in Alaska, whose power and influence it was decidedly worth while to secure to the whites, instead of leaving him in hostility. And this appointment relieved me from another trouble. The Kaksatis, while yielding to the authority of Annahootz and other Kok-wa-ton policemen, did so with reluctance, and there was arising a possibility of trouble between the two families.

In dispatches dated January 20 and 22, 1880, I reported in regard to this appointment:

The experiment of keeping the Indians under control through the aid of their leaders has proved a success, but not a perfect one; they have done good service and I have never regretted the step, but there was a difficulty growing up which in time might prove of magnitude. In the original appointments (of policemen) I had been guided in selection by the records of the applicants, and not understanding the family arrangements and feelings, appointed Kok-wa-tons alone. The Kaksatis asked for one of the appointments, but were refused, with, however, the condition that if, for six months the conduct of the family was such as to merit it, I would select from it and appoint a man.

The six months have passed; their conduct has been equally as good as that of the Kok-wa-tons; they have submitted to Annahootz, and some have assisted him; but there was a bitter feeling arising, and charges that Annahootz was not impartial (which I do not believe) were circulating.

It was a bitter dose to a Kaksati to submit to arrest by a Kok-wa-ton. I found that to keep my promise, and to extinguish the spark, I needed a reliable and powerful Kaksati. Katlaan was beyond question the man, and he is now so serving, and has already proved very useful in bringing into the traces some young bucks who had resented Annahootz's interference; they won't dare to question an act of Katlaan, and he does just as I direct.

I am fully satisfied that it is the best policy, looking to the future, to win him and his tribe to loyalty to the government and friendship to the whites.

In this dispatch I reported also the results of a census of the Indians which I had procured on Christmas Day by the device of offering to distribute on that day a ration of beef and bread to every Indian in Sitka, making this offer early enough to permit the gathering in of all who belonged to Sitka, and not early enough for it to spread to other tribes.

By this census I found that, all told, there were not over five hundred Indians living at Sitka or in immediate vicinity, who were divided thus: Kok-wa-tons, 40 families, 80 men, 120 women and children, total, 200; Kaksatis, 30 families, 40 men, 85 women and children, total, 125; and about 175 more, belonging to several minor families.

Of this total of 500 people not over 200 were men and grown boys; but to this effective force in case of trouble may be added a large proportion of the women, who are more disorderly and dangerous than the men, and are experts in the use of stabbing-knives.

The term "family" has been used several times in this report. It may be advisable to explain clearly its meaning. Nearly all of the tribes who dwell among the islands of the Alexander Archipelago are apparently of a common origin, having the same language, superstitions, and customs.

Each tribe is independent of all of the others, but connected with most of the others by intermarriage, a relationship through the mothers being considered more intimate than through fathers.

These tribes have no chief who has authority over all of its members, but they are subdivided into families, each consisting of all persons related, of whom as many as possible occupy the same house. In each of these families some man with superior brains, force, or wealth, and frequently from combination of all, becomes its leader. Singular as it may seem, "blood" goes a long way in the establishment of this position, from which an Indian having any trace of slave blood in his veins, no matter how slight, is vigorously tabooed.

These leaders are looked up to, and their advice generally accepted and their orders obeyed, but not always, for domestic revolts by aspiring young bucks are not uncommon. Generally these leaders own several slaves, who add to their dignity and importance. These slaves, of whom there are quite a number at Sitka, are either persons who, when children, have been paid by one tribe to another in settling a war, or by one family to another in payment of some claim.

Every person in every family is bound to assist any member of it who has received injury from any member of another family in obtaining compensation from the injurer, or, failing in that, from his family.

[Extract from dispatch of January 22, 1880.]

The most sacred duty is retaliation; the wo d in their language which expresses it is "to get even." Their code would necessarily involve them in endless feuds, were it not that all injuries have their prices, and can be paid for.

After due consultation at a *pow-wow* between the leaders of the two families, a certain price is fixed, which is paid either in slaves, furs, or blankets, according to its amount. I have been called upon several times to investigate and act as arbiter, and have permitted this atonement, which satisfied all parties, in preference to inflicting punishments, which would make all parties dissatisfied.

The difficulties between the Indians and whites are greatly due to this custom, and I became fully satisfied very soon after my arrival at Sitka that the two principal causes of difficulty between the whites and the Indians originate with the former.

The whites turn peaceable Indians into crazy devils by furnishing rum to them, and friendly Indians into enemies by assaults upon them, for which the Indians cannot obtain redress.

Thus, even from the Indian stand-point, the one thing necessary to preserve peace in Southeastern Alaska is a government with strength enough to restrain and fully punish disorderly persons, either white or red, and thus furnish to each an equally needed protection.

TROUBLES AT WRANGEL.

The mail steamer arriving at Sitka January 25, 1880, brought news that a war was in progress at Wrangel between the Stahkine and Kootznoo Indians. The former are natives of the town, and number about 120; the latter live on Admiralty Island, and are a much more powerful tribe.

Just to the westward of the white settlement at Wrangel are a number of houses which are appropriated to the use of visiting tribes who come to Wrangel to trade with the whites there located.

The village of the Stahkines is to the eastward of the white settlement, which is thus exposed to danger by being between the contestants.

I received a letter from a Mr. Woodcock, the chairman of a committee of safety—the resident males having formed themselves into such an organization.

Collector Ball returned to Sitka by the steamer, and in answer to my request, he gave me a written statement as to condition of affairs at Wrangel. I received also a letter from the pilot of the steamer.

These letters are as follows:

[Letter from Mr. Woodcock.]

FORT WRANGEL,
January 24, 1880.

SIR: As chairman of the committee appointed by the residents of Wrangel, I have furnished Captain Ball with a statement of the situation of affairs here in pencil, and

would have communicated with you in person if I had time. The committee respectfully ask for their protection, that we should have 25 or 30 soldiers sent here; and their services would not be required any longer than the next trip of the California.

As we are very short of arms, I respectfully request that 75 stand of arms, with ammunition, and a gatling-gun be forwarded by the California.

W. H. WOODCOCK.

Capt. L. A. BEARDSLEE,
Commanding United States Steamer Jamestown.

[Letter from Collector Ball.]

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
Sitka, Alaska, January 26, 1880.

CAPTAIN: On my way back to Sitka, I have met, at Wrangel, a committee of safety, formed of the citizens there, whose chairman has addressed you a letter on the subject of the Indian trouble now existing there. There was no time during the short stay of the steamer there, for them to write you a full account, which I was requested to give, but must make it more brief than they desired.

The trouble arose from a personal difficulty between an Indian of the Stickeen tribe, with some of the Hoo-che-noo tribe, which occupy respectively the shores east and west of the white settlement there. The Stickeen being beaten by some of the Hoo-che-noos, went with a party of his friends to their ranch and took retaliation in kind on the Hoo-che-noos, with interest.

Thereupon a party of Hoo-che-noos attached the Stickeens family, which made the assault on them in regular armed fashion, and a fight occurred, resulting in the death of two Hoo-che-noos and three Stickeens, and the wounding of a number, some mortally.

After the fight the parties kept up a skirmish for several days, which, from the shape of the town, &c., was a very dangerous thing for the citizens, many houses being struck, and some persons narrowly missed by the bullets. They, at last, make threats to seize the powder in the stores.

The trouble commenced on the 11th instant; the fight occurred on the 14th, and on the 15th the citizens met and appointed a committee of safety, organized a guard, and have established military orders, forbidding the Indians to enter the town armed (they were running through with arms freely during the skirmishing), and keeping them out after ten entirely.

The deputy collector at Wrangell concurs with the committee in the danger of the situation, and has been active in the organization of means of defense.

I may add that the testimony of all the citizens there asserts the coolness and determination and good judgment of his course in dealing with the situation, to which is in my opinion to be attributed the comparative safety of the place now.

While, as at present organized, the white population at Wrangell is perhaps secured from serious present trouble, yet I am confident they should be furnished, if possible, with better means of defense, and I hope you will respond to their request as far as in your power.

M. D. BALL, *Collector.*

[Letter from Captain George, coast pilot.]

JANUARY 25, 1880.

SIR: I beg to submit to you a general report of the state of affairs at Wrangell.

On the arrival of the steamer California at Wrangell on the 24th instant, we found the whole population under arms to guard against encroachments of the Indians, who were at war.

It appears from the reports that a number of Hoo-che noo Indians (about 50), visiting Wrangell on a trading expedition, had engaged in the manufacture of the liquor which bears their name.

This traffic the Sticheen Indians tried to suppress *by force*, which finally resulted in a fight between them; several were killed and wounded on both sides. The Hoo-che-noo Indians sent off a canoe to their village, 60 miles distant, for re-enforcements, and further trouble was anticipated. The whites had stored their powder and ammunition in a storehouse, and established a system of guards for the town.

So the matter rests since the steamer left, but it shows the necessity of some government authority to take precedence.

W. E. GEORGE.

The foregoing letters were inclosed to the department with my monthly dispatch, dated January 25, 1880, in which I wrote in the connection:

I find that the outside number of Stahkines is 120, of the Kootznoos not over 50, but it is supposed that the latter have sent up the straits to their village (on Admiralty

Island) for re-enforcements. Allowing such to be the case, and the forces made equal, 80 well-armed whites (the number enrolled for military service) ought to be able to take care of themselves, by maintaining an "armed neutrality," or by backing one side or the other, and thus making a thorough affair of it; they, however, lack arms, and I consider that I ought to furnish them. I shall therefore send them to-morrow a Gatling gun and 50 rifles, and shall send an officer and suitable gunner to take care of them.

I shall instruct the officer to return by the next steamer, unless at that time the situation of affairs is such as to require his longer stay.

This affair could be quickly settled if I had a steamer instead of this ship, which would lose herself before she got half way there.

And the gunner, Mr. Charles Stewart, was sent, with an assistant, taking with him the arms indicated.

Mr. Stewart returned by the steamer arriving March 26, the usual February trip of the steamer not having been made on account of her having struck on Columbia River bar and being so injured that it was necessary for her to go into dock at Victoria, where she arrived on her way north, after a voyage which had been a very perilous one.

Mr. Stewart reported that shortly after his arrival at Wrangell he had a talk with the Kootznoo Indians, who soon returned to their village. From him and other reliable sources I learned for the first time the true history of the difficulty at Wrangell and its origin.

The efforts of the missionaries at this place have been rewarded by considerable advancement of the Stahkines Indians in civilization, and some are considered to have adopted Christianity. Among the reforms effected has been the lessening of the production of hoo-che-noo, and the missionaries had employed certain of the leading Indians as policemen, and these men have fulfilled, when required, the duty of breaking up hoo-che-noo stills.

A party of Kootznoo Indians had come to Wrangell on a trading trip, and were occupying the guest houses, which are appropriated to such purposes. Not having been subjected to the influence of the missionaries, which do not, under the present system, extend beyond the boundaries of Wrangell, these men set up a hoo-che-noo still in their camp, and some of them got drunk.

Among the missionary force there is a Dr. Corlies, who, however, is not sent to Alaska by any organization, but has been led by zeal to undertake the duties of his own accord.

Unfortunately, his zeal is not tempered with discretion and familiarity with Indian affairs, and he called upon one of the policemen of the mission to go and capture the still in the Kootznoo ranch.

The policeman, who was a convert, tried to get clear of the task on account of its being Sunday—his real reason being, undoubtedly, that he was fully aware that a Stickiene (Stahkine) Indian, who should attempt to exercise authority over the Kootznoos would, beyond doubt, get into trouble. Dr. Corlies, however, insisted upon the attempt being made.

His demand was complied with, and the natural result followed; and this imprudent act of this self-constituted missionary was the true cause of the trouble and the bloodshed.

In support of this statement, I will quote from a letter written to the editor of the Alaska Appeal, and published in that paper February 15, the writer being Dr. Corlies himself.

FORT WRANGELL, ALASKA,
January 27, 1880.

Hoo-che-noo, the bane of Alaska Indians, has again been the cause of the shedding of innocent blood.

When will the United States government, with a strong hand put down this terrible scourge?

The missionaries at Fort Wrangell have used every means in their power to free the Indians from this their worst enemy.

* * * * * * *

On January 11, I was informed that there was a still in full operation, and immediately dispatched the police to capture it, which they did successfully, but a Stahkine who accompanied them lost his temper, and blows were exchanged to the damage of said Stahkine's face and clothes. He thirsted for revenge, but Mr. Young and myself positively forbade him to return with his friends.

Two days later, without our knowledge, some thirty unarmed Stahkines went to the Kootznoo village, and demanded redress, which was given by a young man who came out and received a blow.

All would now have ended happily had not some rash fellow struck him again, when immediately there was a general fight, the Kootznoos bringing out their hatchets, &c., which were wrested from their grasp and used against them, wounding seven persons badly.

After this the Kootznoos threatened the lives of the Stahkines.

I went to both parties, dressed their wounds, and succeeded in obtaining their promises to meet in council at Mr. Young's house the next morning.

Alas for promises! Early the next day the Kootznoos rushed well armed to the Stahkine village; Mr. Young made heroic efforts to prevent bloodshed, and would have succeeded if the Kootznoo's had not broken into one of the houses, which so enraged the Stahkines that they rushed out; the Kootznoos fired, killing Toyatt, a chief, and two others. The Stahkines returned the fire, killing two men. The Kootznoos then retreated, and the day was spent in skirmishing. The Stahkines demand the death of a chief for Toyatt, which the Kootznoos refuse; so the matter stands at this writing.

W. H. R. CORLIES,
Missionary to the Indians of Alaska.

It is very evident to any reader of the foregoing letter, without bias for or against either of the two tribes, that throughout this difficulty the Kootznoos were not to blame.

The Stahkines violated Indian law at the outset, and subsequently by one of their party striking a second blow after the affair had been "made even" by the first. And the ignorance of Indian laws and customs, or disregard for them, exhibited by Dr. Corlies, makes it very evident that in the attempt to help Alaska the mission board should intrust their affairs to a man who, with zealous Christianity, combines common sense, courage, and thorough knowledge of the character, customs, laws, and needs of the Indians. Such a combination, I feel safe in saying, would be found in the Rev. S. Hall Young, to whose good conduct that day, both as a man and missionary, the people of Wrangell owe as much as to the deputy collector, whose conduct also was good.

This difficulty at Wrangell came to the surface on several occasions, which will be described. Omitting them for the moment, I will say that upon my arrival at Wrangell in September, 1880, on my way east, some new facts in the connection came to me for the first time, which are as follows:

After the Kootznoos left Wrangell in January, the Stahkines destroyed all of the guest houses, and at the time of my visit the ground which they had occupied was in use as a garden by the deputy collector, Colonel Crittenden, he having fenced it in for that purpose.

This action had become known by all of the Indians throughout the inland waters, and was resented by them to such extent that they refused to visit Wrangell for trading purposes, which refusal had inflicted a severe blow to the welfare of the place. Had this fact been communicated to me during the time I was in command, I should, in connection with interviews with the Kootznoo Indians, have taken all means in my power to have the houses restored.

It is very poor policy to quarrel with or tantalize Indians. They

should either be well whipped, or treated with perfect friendship, according to circumstances.

During the winter there existed grave apprehension upon the minds of the missionaries that the Kootznoos who had left home would return, as they threatened, with a large force; but up to the date of this present writing no such event has occurred.

I think that I may fairly claim that the suspension of this war was due to the influence of the Jamestown.

On the 3d of March, 1880, three large canoe loads of Kootznoo Indians (about 40) arrived at Sitka, their object being to demand of Katlaan compensation for the death of a Kootznoo woman, to whom he had sold or given hoo-che-noo some five months before. As Katlaan had been greatly blamed for the part he had taken in insisting upon compensation from the whites for the loss of the members of his family who were on the San Diego, I watched with interest his conduct in this matter. He knew very well that no fighting would be permitted in the ranch, and his family was stronger than the visiting party; therefore, if he did not choose to comply with the demand he could refuse with impunity. This, however, he did not do, but paid at once the value of the woman as assessed at a *pow-wow* of the two families, viz, twenty blankets. This action convinced me that I was not mistaken in judging his previous acts, as claimant, to have been perfectly justifiable from the Indian point of view.

I took advantage of the presence of these people, and of the good feeling which existed, to interview them in regard to the troubles at Wrangell. They denied a report which had been brought to me a few days before, by a Stahkine chief, that they intended to go from Sitka to Wrangell to renew the war; and this Stahkine being still in town, I caused him and the leaders of the Kootznoos to meet with me, and obtained from both parties promises to keep the peace. The Kootznoos kept the promise to this extent, that they did not go to Wrangell, but staid a week in Sitka and returned home.

VISIT OF THE KAKE INDIANS.

During the same month (March) a large delegation of Kake Indians, from Kou Island, came to Sitka in four large war canoes, entering the harbor in line abreast, with flags flying and all singing a war song. These were caused to remain in their boats until they gave satisfactory assurances of good conduct. This tribe has for many years been justly considered troublesome and dangerous.

In January, 1869, they murdered without provocation two white men named Ludwig Madger and William Walker, who were encamped for the night at a small cove near Fort Gardner, the southwest point of Admiralty Island, and, after murdering these men, mutilated the remains. For this offense they received prompt punishment, for on the 14th and 15th of January, Lieutenant-Commander Meade, commanding United States steamer Saginaw, burned and destroyed one town and three villages (thirty-five homes in all), and a number of their canoes, at Saginaw and Security Bays, Kou Island; also, two stockade forts which were "about 100 feet square and from 15 to 17 feet feet high, and built of logs from 9 to 15 inches thick." (Meade's report of February 24, 1869.)

They have not rebuilt these villages, but have since led wandering lives, forcing themselves upon the hospitality of other tribes, who both dislike and fear them.

Their object in the present visit was to settle a dispute between their tribe and that of Sitka Jack.

At the *pow-wow* and ensuing dance, I took care to station the whole force of Indian policemen and assistants.

The dispute was settled without disorder, and they begged permission to remain a few days, giving strong promises at an interview I had with them.

In spite of these pledges they soon required disciplining.

A series of potalatches was begun in the Kaksati portion of the ranch, which became the source not only of annoyance to the families of whites in the vicinity, among whom was that of the collector, but of actual danger, inasmuch as, having no houses upon which reprisals might be made, the Kakes were liable, when drunk, to enter the white settlement and do mischief. The Indian policemen were called upon each night to suppress disorder, or, more properly, did so of their own accord; but the nuisance continued until it finally culminated in a fight, in which considerable cutting and stabbing took place. At about 10 o'clock at night of the third day of their visit, an armed party was sent ashore to support, if necessary, the Indian policemen, who, however, arrested the disorderly persons, with no further assistance than was furnished by the Indian boat's crew of the Jamestown. The offending Indians were subjected to punishment of imprisonment on bread and water diet, and compelled to compensate all persons they had injured, and the Kake party directed to leave Sitka and not to return, permission however being given to them to encamp at a short distance away, to await the release of their incarcerated comrades.

REGULATION OF HOO-CHE-NOO.

This event was followed by one of our periodical raids upon the illicit distilleries, by which much contraband property was captured and destroyed. At the date of the arrivals of the Kakes an experiment was in progress, the results of which were undoubtedly modified by their visit.

This experiment was the regulation of the use of hoo-che-noo, which had been substituted for attempts to suppress the evil entirely, simply because experience had taught me that such efforts would result in failure, if made without the co-operation of the white traders, to the extent of ceasing altogether from selling the ingredients of hoo-che-noo. Two powerful reasons prevented my receiving this assistance: the first was the temptation to increase their profits, the risk being eliminated by the presence of the Jamestown; the second, a feeling of hostility to myself, which sprung up while I was at high-tide in leading them, through the publication in the Alaska Appeal of garbled extracts from one of my official reports, in which I described these men in terms which were true, but not flattering. This feeling was forcibly exemplified by a remark of Mr. Caplin, one of the leading "merchants," in whose store barrels of molasses were always on tap, "De captain may go to hell wid his tam gov'ment; I'll bay no daxes."

This feeling of hostility, however, did not remain throughout my stay, but I feel assured that but for it hoo-che-noo and its attendant evils could have been eradicated.

As I could not control the situation, I determined to accept and modify it as far as possible by establishing restrictions. In so determining, I was influenced partially by the extreme cheapness of the ingredients and apparatus necessary, and by my knowledge of the love of the In-

dians for the drink; also by reasoning of some of the leading men among them, who said to me: "Why do you permit the white men to sell liquor to each other, and to sell molasses to us, and then forbid us from using it in any way that we see fit? Why do you let them drink liquor and forbid us? Your sailors get very drunk sometimes, why should not we? They have plenty of food and clothes, and can pass their time in bad weather with books; we are poor and have only our feasts to enjoy ourselves. When we have visitors we must treat them politely; if we do not give them anything to drink they will be offended, and they would be more offended if we did not drink with them."

Some of these arguments were hard to controvert. I endeavored to explain to them that white men were permitted to sell knives and ammunition; that there was not more harm in their selling molasses; but that while I would not take from them knives or ammunition they had purchased, if they did no harm with them, yet if they used them to hurt people I should. The same rule I concluded to make apply to molasses, and to take their hint about the conduct of white men and sailors, and so informed them that I would try the experiment of treating them all alike; that I would not prevent their obtaining molasses, of which they use considerable as food, but that any person who abused the privilege and got drunk and made trouble, which was the course adopted with the sailors, and I called upon them to bring to me all persons who offended. This plan for a time worked very well, but it gradually weakened, and the advent of the Kakes gave a finishing blow. I therefore substituted more stringent measures; the policemen were directed to go through the ranch thoroughly and destroy every vestige of hoo-che-noo, &c., and to, in future, prohibit the introduction into the ranch of more than one pint of molasses by any one person, and to cause such importer to obtain permission before bringing it; and all lights were ordered out at 10 o'clock, after which no noise was permitted.

I considered that these stringent measures would prove a good adjunct to the moral reforms which were being introduced by the missionaries, of whom two had been sent to Sitka to establish schools and church for the Indians. The influence brought to bear upon the Indians by them was of such great assistance to me, that I thought it but proper to acknowledge it, which I did in my dispatch of April 10, 1880, in these words:

> I have now some encouragement in making attempts to reform these people; previous to this the only influence brought to bear upon them was such as I could myself bring through force. Now my force is being well backed by missionaries working under the auspices of the Presbyterian Board of Home Missions of New York, who have sent out here as teacher Miss Linda Austin, a young lady who seems to be well adapted to her task. I have had fitted up for her a large room in the third story of the barracks building, where she has an Indian school at which there is an average of eighty pupils. Mr. John Brady, also, formerly a missionary, now a storekeeper, has resumed the work which he had nearly abandoned, and conducts an Indian church and Sunday-school in the same room, which are largely attended.
>
> There is every reason to believe that these Indians are very anxious to become civilized, and that they are worth trying to save. But for liquor there would be no trouble with them, and that liquor they get from the whites as molasses.
>
> I arranged with a quite civilized Indian woman, who speaks English very well, and is a member of the Greek church, and married to an American named Holyrood, to assist Miss Austin in inaugurating the school. She agreed to come every afternoon, and I then offered to pay her for her services. Her reply was, "Captain, I do not wish pay. I shall be too glad to help civilize my poor people, and make them Christians." Several of the Indian men have voluntarily formed a Bible class, and come every evening to be taught to read, and make good progress. Our school for the Creole children and our Sunday school and church are doing finely. All are conducted by Mr. Alonzo Austin, whose labors are recompensed by the very uncertain amount raised by voluntary subscription.

The services of the interpreter furnished by your office are very valuable, and many of the children are learning to speak, read, and write English.

Our institutions are strictly non-sectarian; among the Sunday-school scholars are children whose parents are members of the Greek, Catholic, and Protestant churches, and the priest of the Greek church attends ours occasionally and assists in the school, towards the support of which the Greek Bishop, Nestor, pays a monthly subscription.

VISITS OF INDIAN DELEGATIONS.

In addition to the parties of Kootznoos and Kakes, whose visits have been referred to, there arrived at Sitka during the month of February, 1880, several large delegations of other tribes, among which was one of Hoonah Indians from Cross Sound.

The Hoonahs were on a trading voyage, and brought the skins of sea otters, hair seals, bears, and minks; also whale, and seal oil, the former of which is obtained from hump-backed whales which are very plentiful in this sound. The cows, generally accompanied by the bull, seeking the lagoons to give birth to calves, are there frequently caught by receding tide leaving a bar, and are shot by the Indians, who obtain for the rudely refined oil about twenty-five cents a gallon in trade at Sitka. They carry the oil in bladders of seals and walruses, the former holding one, the latter five gallons, and in oil-tight tubs which they carve out of solid blocks of wood. They brought also specimens of various ores, among which were those of silver, galena, copper, and iron. Some of these specimens were very rich in iron pyrites, which they judged to be pure gold, and valued so highly that I was unable to procure them at reasonable prices, which I was desirous of doing for the National Museum. I did procure some of the specimens, also stone tools, such as axes, leather dressers, tobacco grinders, &c., which were sent to the Museum.

The Hoonahs were very orderly, and their presence in the ranch not objectionable. They proved to be very intelligent men and shrewd traders. They expressed a desire that white men should come to their country to teach their children and build them a saw-mill; both of which benefits they assured me had been promised them by a teacher who had visited them, and whom I afterwards learned was Mr. Brady, when under the employment of the Board of Home Missions.

The Hoonahs are skillful workers in wood, their houses being built of timbers which are from 10 to 15 inches square, and so smoothly dressed by axes that at a little distance they appear to be planed. They also understand making "shakes," and are the best canoe-makers on the coast; and in their country there is plenty of excellent timber.

They complained of inroads made by English Indians upon their sea-otter hunting grounds, and requested that we should prevent such inroads in future, as they would lead to war. Not being able to see exactly how I could help them in this matter, not having any boat suitable to send an armed party so far, I could only promise to do what I could, and exacted from them a promise that they would avoid war with the English Indians, and report to me if they came again.

CANOE EXPEDITION TO WRANGELL.

On the 14th of March, the mail steamer California being then overdue forty-four days, it was considered likely that she might have met with some accident, and if such had occurred between Wrangell and Sitka her people might be in need of assistance, which we could give them; and it was also possible that a renewal of the troubles between

the Kootznoos and Stahkines at Wrangell might have detained her there. I determined to send a search party.

Having no boat suitable for the trip of two hundred miles, and the Rose being no longer available, I caused a large war canoe which we had hired for surveying purposes to be outfitted, and sent her with fourteen of our shipped Indians, to whom instructions were given to make thorough search along the route, and inquiries of all Indians met; to report on arrival to the deputy collector, and if he needed their services, to assist him in every way.

On the 25th of March the California arrived. She had met with an accident by striking on the Columbia River bar, and was subsequently detained in Victoria for repairs. Her officers and passengers reported that our canoe arrived at Wrangell on the 21st, after a very stormy voyage, and that the conduct of her crew was excellent; that they had refrained from drunkenness, and that on landing they had dressed in their sailor's uniforms, marched in a body to the collector's office, and reported as directed. Their conduct presents good evidence that these Indians can be improved by contact with civilization, and it made a good impression upon the Wrangell Indians, whom they entertained by exhibitions of small-arm and broadsword drill, substituting sticks for arms, they having become quite expert at these drills, through watching our sailors and marines. This, however, was not a desirable result, and was due to my having underestimated their intelligence, for they had never been permitted to join in the exercises on board or receive instructions in these points.

The party returned to the ship on the 28th March; the canoe, which was a very large one (about forty feet long), had been considerably injured by being driven ashore during a heavy gale in Chatham Straits. It was worth over $200, but a payment of $25 for her use and damages was satisfactory settlement.

INDIAN AFFAIRS IN APRIL, 1880.

WITCHCRAFT.

Nothing of importance in connection with Indian affairs occurred during April, except a case of witchcraft.

The stringent regulations and restrictions which had been placed upon hoo-che-noo, and its origin, molasses, had caused many of the Indians to start out on their spring fishing and seal hunting voyages at a much earlier period than usual, and the season for spring visiting was over.

The Indians who remained at the ranch were very orderly and sober, and most of them were busy repairing damages to their houses, caused by the winter storms, and in preparing for canoe voyages.

About this time there occurred, for the second time during our stay, an occasion when it became necessary for me to interfere to prevent the torture of a person accused of witchcraft.

Stickeesh, a wealthy trader, and one of those sent to Chilkat the preceding fall, returned broken down by inflammatory rheumatism. The shaman (Indian doctor), failing to relieve him, charged the sickness to the effect of witchcraft, as is usual in such cases, and pretended to earn the fee of ten blankets paid him by discovering the witch—who, as is usual, proved to be a simple young Indian, belonging to an unimportant family. This man had been caught and bound for torture, when Annabootz heard of it, and the Indian policemen put a stop to further proceedings until they could report the case to me. They did not dare to

do more than simply interfere themselves, for they shared in the superstitious fear of the shaman's power, common to all of the Indians.

By my direction the shaman, witch, and sick man were brought to the guard-house, where, after (I have no doubt vain) efforts to teach them, I caused the shaman to be confined in a cell until he returned the blankets to Stickeesh sent the latter to the medical officer of the Jamestown for treatment, and placed the accused witch under the care of himself and family, assuring them that whatever happened to him would also happen to Stickeesh. Many Indians being present, I availed myself of the opportunity to weaken, if possible, their faith in witchcraft, and gave the shaman full permission to exercise upon me all of the sorceries of his profession while occupying a cell to which he was assigned until he should restore to Stickeesh the blankets he had received from him; and to this end he was permitted to carry into his seclusion such implements of his art as he had with him. Whether he tried or not I do not know; the sentry reported that he saw no such attempt; but after release, which took place when the blankets were restored, he told the other Indians that his spirits had no power over the white man—which was a good point gained, as it lessened the possibilities of any white man being suspected of witchcraft.

Upon release, the shaman was assured that upon repetition of the offense his head should be shaved and his person subjected to a Russian bath; which, as they never wash themselves, nor comb or cut their hair (by which process, it is believed, they would lose their supernatural power), so frightened him that he at once left Sitka, with the threat that he would never again return; and neither he nor any of his professional brethren ever again attempted to practice in Sitka. The experiment involved a serious risk, and such Indians as were friendly to me personally expressed great grief and apprehensions for my safety. And had any misfortune occurred to me the belief in witchcraft and the powers of the shaman would have been greatly strengthened. As nothing did happen to me, I have hopes that the result was a weakening of this superstition.

OPENING OF THE CHILKHAT AND CHILKHOOT COUNTRY TO THE WHITES.

In September, 1879, certain events took place among the Indians, which were duly reported in my October dispatch, but which have been omitted from their chronological position in this report, because, although apparently at the time of slight importance, they proved to be the starting point of the most valuable results which sprung from our intercourse with the Indians, namely, the removal by the chiefs of the Chilkhat and Chilkhoot tribes of all prohibition to the white men from entering their territory, which prohibition had been always strictly maintained; and the bringing of these tribes and the Hoonah Indians into a most friendly intercourse with the whites.

These events were reported as follows, in my dispatch dated October 5, 1879:

> The month of September has been marked by perfect freedom from drunkenness, fighting, or disorder of any kind in the Indian ranch.
>
> A great number of Indians have returned from hunting, &c., and the ranch is no longer deserted, but the returns have ceased to be celebrated by pot-a-latches; the Indians throng the white settlement, but there are no disturbances. The residents state that there has never been so quiet a month. When we first arrived every night was made hideous by drunken orgies and many fights. I have not had cause to even censure an Indian since the raid made by themselves upon the cannery ranches. I at-

tribute the change to the influence of the Indians in our employ. * * * There has been an unusually exciting cause for sprees: About the 25th of September news was brought by Indian canoes that there had been a big fight up in the Chilkhat country, between two families of the Chilkhats, viz, the Klockwatories (warriors) and the Onochtades, and that the chief of the former, Klotz-kutch (who is head chief of the tribe), was seriously wounded, and that a number on both sides had been killed; the inciting cause having been a barrel of molasses with which Klotz-Kutch had given a pot-a-latch.

There are quite a number of Chilkhats living in Sitka, among whom is Dick, one of my policemen, who is a nephew of Klotz-kutch, and a very intelligent Indian, speaking considerable English and reading and writing a little.

He, assisted by the other policemen and "Sitka Jack," restrained the usual drunk which takes place on such excitements, and except that for a couple of days the miners could obtain no packers (they having all come into town to a caucus), no untoward event occurred.

They have organized an expedition to visit the scene of contemplated trouble, and on the 3d of October three canoe loads, about 30 Indians in all, started for the Chilkhat country (up Chatham Straits). If this vessel were a steamer I should have gone too, for these Indian wars are almost interminable and will do much to hazard American interests here. I did the next best thing in my power; judging that the influence of such men as Sitka Jack, Dick, Stickeesh, and others, who knew us and could explain to those who did not the value of white friendship and danger of the opposite, would be very powerful, I resolved to secure it for our side, so helped to fit out the expedition, furnishing them with flags, provisions, &c., , and receiving from them the promise that they would do their best to prevent trouble.

The party, over whom I hoped through the leaders I had appointed to exercise some control, were directed to report to Klotz-kutch, and say that I had sent them to help him keep his people in order, and that in return I expected him to always use his influence to secure good treatment to any white men who should come to his country to trade, and that I would be pleased if he would let white miners go into the interior to prospect the country for precious metals, which, if found, would enrich the Indians also. This privilege had never been accorded, the Indians (Chilkhats) fearing that the whites would interfere with the trade with the Stich Indians who live in the interior, and whose trade the coast Indians monopolize. The Chilkhats were estimated as from two to four thousand in number, and considered the most warlike of all the tribes. The country was reported to be rich in minerals, and the miners were very desirous of penetrating it, and it seemed more than likely that, sooner or later, bodies of them would undertake to force their way in, in which case serious troubles would probably have occurred.

On the 12th of February, 1880, Dick, Stickeesh, and most of the party returned, Sitka Jack, with the remainder, having stopped at Swanson's Harbor, in Cross Sound, where he has a village at which he dwells in summer. Stickeesh was much broken down by inflammatory rheumatism, contracted during the voyage down, which sickness gave rise to the case of witchcraft reported. They brought an invitation from Klotz-Kutch for the white miners to come, and promises of welcome, and thanks to me. This invitation I extended to the miners, of whom there were a number in town deterred from work on Baranoff Island by the great amount of snow still remaining on the mountains, the fall during the previous winter being unprecedented in amount. These men were ready to undertake such an expedition, and were of such characters as were best adapted. The project was freely discussed, meetings held, and an expedition to the Chilkhat country organized; and for the ensuing two months Sitka was quite lively with the preparations for the expedition.

Several boats were built, some from timber which was growing in the forest when the idea was conceived, and in May the party of pioneers were ready to start.

On the evening of the 11th May, a public meeting was held, and a full understanding between the miners and myself arrived at, which is embodied in the following paper, drawn up by Mr. Bean:

SITKA, ALASKA TERRITORY, *May* 11, 1880.

We, the undersigned miners, do hereby pledge ourselves, to accept and be guided by Edmund Bean, as our captain or leader of the consolidated parties of prospectors now in Sitka, and proposing to search for gold in the interior of Alaska Territory, going by water up Chatham Straits and landing at the Indian village of Chilkat. We hereby pledge ourselves to behave orderly, accept and obey the lawful commands of our leader, and otherwise acquit ourselves as becomes orderly, sober, reasonable men. We also agree that no spiritnous liquor shall be carried by any of us into the Indian country for the purpose of trade or barter with the natives. We furthermore do agree and pledge ourselves that if Captain Beardslee, commander of United States ship "Jamestown," will furnish us with such escort as in his judgement is proper to Chilkat, that we will be guided by him or his officer or representative with us, and afterward by our mining leader, Edmund Bean.

Edmund Bean.	William Zoble.	J. Newton Massen.
Robert A. Duggan.	M. A. Hayes.	Fred. Cushman.
Geo. G. Langtry.	Antone Marks.	Preston Uoutemen.
Thomas Lineham.	Dennis Barrett.	James McCluskey.
Dankert A. Petersen.	Thomas Keirnan.	John Lemon.
James Tallon.	Geo. Hankrader.	S. B. Mathews.
Patrick McGlinchey.		

I agreed to furnish them with escort and letters of introduction.

The second launch was fitted for the trip by removing her boiler, engine, &c., and Lieut. E. P. McClellan assigned to the duty of escort. He was provided with the following letter to the Chilkhat chiefs, apparently an unnecessary move, as they neither read nor write, but really one of importance, as the Indians have a superstitious respect for written words, and there were with the expedition capable interpreters:

U. S. S. JAMESTOWN,
Off Sitka, May 20, 1880.

To the Chiefs of the Chilkhats, Klotz-Kutch and Elquesah.

CHIEFS: You have sent to me through Skeenga-Stocheen and Stickeesh, Indians in whom you and I place confidence, an invitation to the white men to come and prospect your country, and have promised to be their friends. The men who now come are those I have invited in your name. I feel sure from what I know of the bravery and honesty of the Chilkhats that you will keep those promises; therefore I send them, and the Great Father at Washington will be greatly pleased to hear that they have gone, and more pleased to hear next fall that you have all remained friends.

The officer who delivers this acts as my representative.

L. A. BEARDSLEE,
Commander, U. S. N., and Senior Representative of the Government.

The following instructions were given to Lieutenant McClellan, and on the morning of the 20th of May the expedition, consisting of five sail boats carrying nineteen miners and their help, and our launch, started under sail:

U. S. S. JAMESTOWN (3d rate),
Off Sitka, May 20, 1880.

SIR: You will proceed in command of the second launch of this ship, and in company with a number of boats carrying miners and prospectors, a list of whom is herewith furnished to you, to the Chilkhat village, for purpose hereinafter specified. In starting from this place you will so arrange that you will be able to get through the rapids in Peril Straits before dark. On the eastern side of said rapids you will find a good harbor. Mr. George Cozian will accompany you as pilot. I have great confidence in his knowledge of the dangers of the inland waters. He will also act as Russian interpreter.

Passed Assistant Surgeon N. M. Ferrabee, U. S. N., Ensign N. R. Usher, U. S. N., and Midshipman Woodworth are ordered to report to you for duty upon this expedition.

Your crew will consist of 13 sailors of this ship, and Indians, Dick and Shukoff. Your boat will be armed with the Gatling gun, and small arms for each person. You will, under sail or oar, keep company with the boats of the miners, unless you find

their progress so slow as to greatly retard you, in which case you will push ahead and make the best of your way under canvas or oar, as shall be most expedient. You will use your own judgment as to anchoring for the night, tide, or weather. The miners have, as per agreement—a copy of which is furnished you—promised obedience to your orders and instructions, and have elected Edmund Bean as their captain, with whom you will confer. On reaching the Chilkhat village, you will allow no one to land until permitted by yourself; and will, through an officer and Indian Dick, arrange with the Chilkhat chiefs for an interview as soon as possible. If for any reason this interview is delayed, you will obtain permission for the landing of such persons as may so wish, cautioning all persons obtaining such permission to commit no acts which will tend to create difficulties.

At this interview you and such officers as may accompany you will wear uniform and side arms. During this interview, and at all times, the boat must be left in charge of an officer and sufficient force to guard it. The nature of this interview will be as follows: Say to them that last fall, when Klotz-Kutch was wounded, I sent with a party of Indians who wished to come to help him, Dick, his nephew, in whom both he and I have confidence; I also instructed Sitlsa Jack and Stickeesh to talk with the Indians and advise them to stop drinking hoo-che-noo and fighting.

That when these men came back, they informed me that the Chilkhat chiefs invited the white men to come among them and prospect their country, and promised them welcome and assistance. This invitation and promise I have given in their name to the miners, and they now come in consequence. Tell them that had they not sent this invitation, these people would not have come, therefore they must treat them as guests; and that all the miners have promised me to live peaceably and friendly with the Indians. Act throughout on the assumption that you have no doubt as to their keeping their promise. If, however, it becomes manifest that they will not do so, inform them that you will return and report to the government their failure to keep their word, and that in future no Chilkhat Indian will be a lowed to land at Sitka for trade or other purposes; that I will not give those who are here employment. You will then notify the miners of the failure of the mission, and request them to return with you, informing them that any or all who fail so to do forfeit their claim to your protection, and act entirely upon their own responsibility.

After the completion of the business with the chiefs, you will return to this ship, making, *en route*, such stops at any ranch of importance as your time will permit, explaining at each to the people the object of your so doing, which will be to assure them of the friendliness of the whites to them, and to caution them against committing at any time any aggressive act against white men, warning them of the probable consequences. Should your voyage to the Chilkhat village and return to the eastern mouth of the Peril Straits have been accomplished in fifteen days or less, say by June 1, you will visit the Kootznoo settlement on Admiralty Island, and there arrange for and hold interview with the chiefs, at which you will express to them strongly the disapprobation of the government in regard to the recent fight between themselves and the Stickiene (Stahkine) Indians at Wrangell. Make it plain to them that Wrangell is a town belonging to the United States, and that no fight between Indian tribes can be permitted in its vicinity. Tell them that it has been reported to me that they intend to return to Wrangell to renew the trouble, and that if they so do they will be punished. That for what has already occurred no penalty will be exacted—assigning as your reason your knowledge that by Indian customs they had suffered a grievance, which neither you nor the government you represent approved. Obtain from them a promise to refrain from future hostilities, and return to the ship. These instructions are based upon the assumption that the results of your interview with the Chilkhat chiefs are satisfactory. Should, however, they refuse to grant the privilege requested, you will, after exhausting all amicable means, return as already directed.

I leave to your own judgment the explanation to the various tribes of the advantages which will accrue to them by the presence of the whites. Make, however, no promises. Unless unavoidably delayed (in which case endeavor to communicate with me by canoe, promising payment by me from $10 to $30, according to the distance), return to this ship by the 1st day of June, at the farthest, and as much earlier as possible. Keep a full journal of the events of this expedition, obtaining all useful information possible. I have invited Mr. Marcus Baker, of the Coast Survey, to accompany you. He will assist you in every branch of science. Wishing you a pleasant and profitable trip, and that the results will be the opening of the interior of the country to the whites,

I am, very respectfully,

L. A. BEARDSLEE,
Commander Commanding.

Lieut. E. P. McClellan, U. S. N.

The launch returned to the ship on the 5th of June, and the report of Lieutenant McClellan indicated that the result was a success, and that the Chilkhat country was now fairly opened to the whites. This result

was particularly gratifying, inasmuch as on the 3d of June a small trading steamer, the Favorite, the captain of which was well liked by the Indians, returned to Sitka from a trading voyage up Chatham Straits, and Captain Vanderbilt reported having spoken our party about 40 miles from Chilkhat, *en route* to that place; and that he, while at Chilkhat, had endeavored to persuade the chiefs to remove the restrictions and allow whites to enter the country, in which effort he had completely failed, the chiefs refusing, and assigning as their reasons for so doing the risk of the whites interfering with their trade with the Sticks, and also that they did not wish the whites to come to them because they would bring liquor and debauch their women.

The first of these objections we have met; the second is one which cannot be met, and no attempt was made—they take their chances.

Through our efforts all prohibitions were removed, and the miners were not only permitted to go prospecting, but were furnished with slave packers at moderate wages, to be increased in case of success.

The Chilkhat chief, Klotz-Kutch, had in this connection shown such evident good faith and character that I considered that I could, with propriety, break through a rule which had hitherto guided my actions, which was to in no case give any presents to the Indians when I wanted anything of them, considering that such action tended to increase their ideas of their own importance, and lead them to think that the whites alone were benefited by such changes as were made. I therefore sent him a present which, upon my subsequent meeting with him, I found was highly appreciated, and with it the following letter:

UNITED STATES WAR-SHIP JAMESTOWN,
Off Sitka, June 10, 1880.

CHIEF: The Great Father in Washington, who is father of the Alaska Indians and the white men, will be greatly pleased when he receives the letter which I have sent, telling him of the good conduct of the chiefs of the Chilkhats, and that they have become so wise that they can see that it is best to be friends with the white men, through whom the Indians will be able to make money by selling all of their furs, oil, and other things, and who will bring them things which they need and cannot make themselves.

I am glad that you kept your promises, and I felt sure that you would. Brave men of all colors are alike; they will not lie.

I send you a present of a valuable pipe and some American tobacco. Keep the pipe as long as you live, then give it to the next chief, to be used always as a pipe of peace, and smoked when you hold *pow-wow* with your white friends. Teach all of the Indians that Mr. Vanderbilt is their friend, and that if they treat him well other steamers besides the Favorite will come to trade with them, and that if bad Indians should trouble him or his steamboat, the government will be angry.

Your friend,

L. A. BEARDSLEE,
Commander, U. S. N.

To KLOTZ-KUTCH,
Chief of Chilkhats.

On the return, Lieutenant McClellan stopped, as instructed, at Kootznoo, on Admiralty Island, and made it clear to the Indians that they would be punished if they resumed the war with the Stahkines at Wrangell. In promising to refrain, the Kootznoos requested permission to whip the Stahkines if they came to their neighborhood, which request was granted.

The report of Lieutenant McClellan is herewith given; also a card of thanks from the miners:

U. S. S. JAMESTOWN (3d rate),
Sitka, Alaska, June 7, 1880.

SIR: In obedience to your order of the 20th of May, I took command of the second launch of this vessel and proceeded to the Chilkhat village in company with four boats, containing miners and prospectors. Left here at 9 a. m. of May 20, and arrived at

Pyramid Island Harbor, 4 miles from the Chilkhat village, on the morning of 26th May; sent an officer ashore to make arrangements for an interview with the head men. He returned, reporting that the chiefs were 15 miles inland, that a messenger had been sent for them, and that they would be present at noon the following day. On the 27th I borrowed one of the boats of the miners, the water for 1½ miles below the village being so shoal that it would have been imprudent to take the launch in. I had previously spent several hours in searching for a navigable channel without success, the flats being bare at low water. I invited such of the miners as wished to be present at the interview to accompany me to the village. Seven of them accepted the invitation, and I proceeded with Passed Assistant Surgeon N. M. Ferrebee, Ensign N. R. Usher, Mr. Marcus Baker, of the Coast Survey, Pilot George Cozian, and the two Indian interpreters to the landing. Found three chiefs, Klotz-Kutch, Elquesah, and Unacoa, who had come down from the upper villages; shook hands with them as I noted each one's name, and told them I was a bearer of a message from the commander of the Jamestown, and then proceeded to read your letter to Klotz-Kutch and Elquesah, and then such portions of your instructions as related to the Chilkhats, sentence by sentence, having Indian Dick translate it to them, and having Indian Shukoff check it by translating it from Indian to Russian, and through Pilot Cozian from Russian to English. I explained the advantage it would be to them to have the white people come. Klotz-Kutch said he had lost father, grandfather, and brothers, and was an orphan, and therefore he gladly welcomed the white people, for they would be fathers and brothers to him. Two other Indians then came in, Rakee and Tawawah, head men of the lower villages. I repeated to them the substance of the interview, and told them the miners had come by invitation and that they must treat them as guests. They said they were glad the whites had come. A general talk then ensued, the miners offering fair wages, and an arrangement was made by which the Indians were to pack some of the goods across the land to the Chilkhat Inlet, instead of up the Chilkhat River and across the divide by that way. Having finished everything satisfactorily, and the best of feelings seeming between the miners and the Indians, I returned to the launch. Having finished my business with the Chilkhats, I bid farewell to the miners, and wishing them luck in their search for gold, proceeded with the launch to the Indian village at Hootchenoo, on the west side of Admiralty Island. I arrived there on June 3. Found only one chief, Kichiral, or Hootchenoo Jack, in the village. I communicated to him your instructions, and warned him that the Indians would not be permitted to fight in the American town of Wrangell or its vicinity. I obtained from him a promise to abstain from any further hostilities against the Stickiene Indians at Wrangell; he saying he had meetings with the other two chiefs of the village and would answer for them. At this village each house had a small garden plot about it, well fenced in and well cultivated. Potatoes principally raised; they are small, but good. They keep the seed over winter. Fish seemed plentiful. Two canoes came in with numbers of codfish and halibut. On the way down Chatham Straits spoke several canoes, and ran into a cove on Admiralty Island, opposite Cross Sound, where there was a ranch of Auk Indians. Expressed to them our friendliness and cautioned them that if any white people were seen about during the summer to treat them well. I arrived at the ship at 7 p. m. of June 5, having been absent sixteen days and ten hours; all well and without any accident having occurred. The crew, in spite of head winds and hard labor at the oars, remained cheerful to the last. Mr. Cozian, the pilot, I found of great use. Mr. Baker had a fund of information on every topic, and was a genial and instructive companion; he was of great service to me in taking bearings, taking observations for position, and correcting our chart. At every opportunity I landed him, with artificial horizon, sextant, and dip-circle, to get the position and magnetic dip, the results of which observations we have not had, as yet, time to work up. We also made some collections in natural history, looking out for bird skins, collecting fish in alcohol, &c.

I inclose card from the miners, thanking you for sending the launch up to the Chilkhat country, and remain,

Very respectfully, your obedient servant,

E. P. McCLELLAN,
Lieutenant, U. S. N.

Commander L. A. Beardslee, U. S. N.

CARD OF THANKS.

We, the undersigned miners of Alaska, tender our sincere thanks to Captain Beardslee, of U. S. S. Jamestown, for the kind interest he has taken in our welfare, in giving us protection and conveying us to our landing point, which gives us confidence in undertaking to prospect the country we are going to. Such action on the part of a government officer will have a beneficial effect on the Indians, and will induce other prospectors to come here and unlock the hidden treasures of Alaska, and develop its vast and unlimited resources.

Having made the passage from Sitka to the head of Lynn Channel, also a satisfactory interview being conducted by the officer in charge of the Cutter, Lieutenant McClellan, we wish hereby to tender him our sincere thanks for his kindness and attention during visit, also the other officers and men with him. The pilot, Mr. Cozian, also we thank sincerely.

EDMUND BEAN.
ROBT. A. DUGGAN.
D. A. PETERSEN.
ANTONE MARKS.
PAT McCLINCHEY,
and fifteen others.

MAY 29, 1880.

OCCURRENCES DURING JULY, 1880.

On the 4th day of July I received a letter from Mr. Edmund Bean, leader of the pioneer party. It was dated from the headwaters of Yukon, June 17th, and brought by an Indian doctor, who is a chief of the Chilkhoots, and who had done the party good service. Mr. Bean stated that the party had "crossed the divide and are now camped on the banks of a lake, building boats preparatory to descending the Yukon"; that they had received good treatment and good service from the Indians, and that several other miners had joined them.

On the 28th of June Aunahootz returned from a trip to Taku, to which place I had sent him a month before to check a war impending there, he having great influence with the Takus, with whom he is connected. He brought word that all was quiet.

During July a trader named Errassan made a trading trip to Chilkhat, and on return reported good treatment. And during the same month a miner named Willoughby, who, having seen the ores brought by the Hoonahs in March, had accompanied them on their return home, arrived in Sitka, and stated that he had been well treated by the Indians during a two months' stay among them. He reported that frequently he heard them, while conversing, speak of the Jamestown; and Errassan reported the same; and it was thus evident that the influence of the ship extended a long way beyond the range of her guns.

During the three months of summer there were not over two hundred Indians in the ranch, and they were orderly and well-behaved, except upon one occasion.

On the 5th of July they participated in the general hilarity, and old Aunahootz, having allowed his patriotism to overcome his sense of duty, gave a potalatch, and nearly all of the Kok-wa-tons got drunk, and several were badly cut in the ensuing fight. Upon this occasion Katlaan did most excellent service, and fully confirmed the good opinion I had formed of him. Unarmed himself, he disarmed a crazy drunken Indian who was slashing at random with a large knife, and who threatened our armed party which was landed to back the policemen. But for Katlaan's action the man would have been killed by our men, which was a result I did not wish, as when sober he was a good enough Indian.

On this occasion I punished several of the leaders quite severely, and had thoughts of discharging Aunahootz, but changed my mind, inasmuch as his influence is very great throughout all the tribes and worth some sacrifice, to retain.

The steamer arriving July 12, brought news of another trouble at Wrangell; this time between a visiting Chilkhat Indian, nephew of the chief Klatz-Kutch, and a white trader. The first named was drunk, and on being turned out of the store of the trader received a wound in the face, which by Indian logic is, until atoned for, a great disgrace. This

affair was settled by the white man paying a demanded sum; but news of this settlement was not brought by this steamer. The affair came to the surface again subsequently.

On the 30th of July, I received from the miner Willoughby, living with the Hoonahs, a letter, of which the following is a copy:

NORTHWEST GLACIER,
Cross Sound, Hoonah, July 11, 1880.

DEAR SIR: The head chief of the Hoonahs, and the majority of the leading men here, desire me to inform you that there is a party of Indians from Fort Simpson, British Columbia, now killing and destroying their sea otters, young and old. They think it is not right for foreigners to come to their hunting grounds and do so—kill their valuable animals and take their skins to a foreign market. These Fort Simpson Indians made some kind of arrangement with some of the Hoonah Indians to go there and hunt, I believe, gave them some guns and coats and other articles for a hunting right, unbeknown to the chief and leaders of the Cross Sound Indians. They want to know if you will protect them in making them return to British Columbia where they belong. You will excuse me if my information is useless. I was bothered day after day to give you this information.

I remain, yours, most respectfully,

R. G. WILLOUGHBY.

Captain BEARDSLEE,
Commander of the U. S. man-of-war, Sitka, Alaska Territory.

This letter was brought by a Hootnah canoe. I questioned the bearers, who stated that the Sim-Sims were still on the otter grounds, and I became satisfied that but for the promises made to me on the occasion of the visit in March, already reported, the Hoonahs would have driven the Sim-Sims away by force, in which case a war would have been inaugurated between the two tribes, which, as both were more or less closely connected with the other coast tribes of Southeastern Alaska and British Columbia, would have drawn them in, and proved very difficult to check. Such a war would undoubtedly endanger the life of every unprotected white man or woman in the Archipelago, inasmuch as the Alaska Indians believed, and I think the English Indians knew, that the marauding expedition had been sent out well outfitted by white men at Fort Simpson; and I felt that the government, having through myself, its representative, been instrumental in sending away from the protection of its forces the men who were now living among the Chilkhats and Hoonahs, and from whose efforts, should they prove successful in finding valuable deposits of precious metals, the value of this portion of our country would be greatly increased, should do something toward suppressing this war.

It was also good policy to show to the Indians that the conduct of the Hoonahs in maintaining peace under wrong, and appealing to the government instead of redressing their own grievances, was appreciated.

I, therefore, in a dispatch dated July 31, 1880, requested permission to charter a small trading steamer, the Favorite, expected daily at Sitka, for the purpose of going in person with an armed force to the Hoonah country, to settle the impending troubles and to prevent the illegal destruction of the sea-otters of Alaska by English Indians with fire-arms, the statutes of the United States reserving these animals to Alaska natives, and forbidding the use of fire-arms.

The steamer Favorite arrived a few days after, bringing as a passenger from Chilkhat one of the miners who had belonged to the pioneer party, who reported to me that the Chilkhat and Chilkhoot Indians were very much incensed by the action of two men who, not originally members of the party, had joined it subsequently, and, not being

bound by the pledge given by the others, had undertaken to trade with the Stick Indians.

These men had been with the pioneers long enough to be identified with them by the Indians, who were impressed with the idea that the whites had been guilty of bad faith.

This man brought me a message from Klotz-Kutch, begging that I would send or come and take these men away, for he was afraid they would be killed.

The captain of the steamer, upon being consulted by me in regard to this affair, addressed to me the following letter:

OFFICE OF THE NORTHWEST TRADING COMPANY,
On board the steamer Favorite,
Sitka, Alaska, August 4, 1880.

SIR: By request of the Hoonah, Chilkhat, and Chilkhoot Indians, we beg to lay before you the following facts as represented by them:

Hoonah, Cross Sound.—On June 30, while anchored at Adolphus Bay, in the vicinity of which were camped some 300 Hoonah Indians, we were informed by them that three large canoes had just arrived, manned by 27 Indians from Fort Simpson, B. C. The nature of business of these British Columbia Indians we could not ascertain ourselves, as they left at night in a very suspicious way, seemingly to avoid us. Of course our steamer being unarmed and having but a small crew of white men aboard, and being among Indians whose characters were unknown to us, we did not feel safe in overhauling them through the inspector of customs temporarily attached to the steamer.

On our return to the same place on July 21, we found a still greater number of Hoonah Indians gathered there who seemed to be rather excited, reporting to us that the Fort Simpson Indians, mentioned above, were on their favorite sea-otter grounds, killing sea-otters with rifles, thus interfering with their own hunting. They openly stated that their intention was to take and kill the entire Fort Simpson expedition on their return from the sea-otter grounds.

The Hoonah Indians requested us to advise you of the situation, hoping to hear from you before the Fort Simpson Indians could leave the country with their booty.

Chilkhat and Chilkhoot.—On our arrival at Chilkhat, on July 24, we found the Indians gathered at our anchorage, very much worked up over the action of a miner named Steel, who, it seems, followed the large party of miners bound for the interior. The Indians report that Steel, while on his way up, was advising the interior Indians not to trade with the Chilkhats and Chilkhoots, as has been their custom for generations, but to hold their furs for him, as he intended on his return to trade with them. This the Chilkhats and Chilkhoots cannot understand, as the body of miners that left Sitka for Chilkhat carried a paper to them in which the miners bound themselves not to trade with the interior Indians or to interfere with any of the privileges enjoyed by the Chilkhat and Chilkhoot Indians heretofore.

We were particularly requested to report this matter to you as soon as we reached Sitka, as the Indians wished to have an understanding in regard to this affair.

We have the honor to be, sir, very respectfully, your obedient servants,

CARL SPUHN,
J. M. VANDERBILT,
Managers Northwest Trading Company.

Commander L. A. BEARDSLEE,
U. S. Ship Jamestown, Sitka.

The receipt of this information caused me to decide that it was my duty to go to this place at once, and not await the instructions of the department, which I could not receive in less than a month, even were I to telegraph full particulars.

Our steam launches were not suitable, and I therefore made partial arrangements with Captain Vanderbilt to take myself and party to Hoonah, Chilkhat, and Kootznoo, hoping at the latter place to keep smothered the embers of war between the Stahkines and Kootznoos.

The Favorite was not available until after the arrival of the mail steamer California, which came in on the 10th day of August. She brought as passengers Justice Deady, of the United States court at Oregon, and Maj. William Gouveneur Morris, special agent of the Treasury Department.

I submitted to the latter all of the information I had obtained as to the troubles already described; also as to certain illegal traffic in fire-arms and liquor which had been reported to me as occurring at various places in the northern country; in a letter of which the following is a copy:

U. S. S. JAMESTOWN,
Sitka, August 10, 1880.

SIR: I have received, from various sources, information upon which I rely, which indicates that unless some steps are taken by the government to prevent, serious trouble between the Alaska Indians at Hoonah and the British Columbia Indians from Fort Simpson is liable to occur, a large number of the latter Indians being at the latest dates actively engaged in killing with rifles the sea otter and fur seal on the hunting ground of the Hoonahs. By letters received by me from miners, and the owners of the steamer Favorite, I am requested by the chiefs of the Hoonahs to either take steps to drive off these strange Indians or give them permission so to do.

I have also received information that complications are arising in the Chilkhat country through the acts of two United States citizens, named Steele and Hilton, who have followed in the wake of the pioneer party to whom I furnished escort, and are by the Indians confounded with said party, and, as such, are held to be guilty of violating the pledge given by the mining party, to refrain from trading with the Indians of the interior. The Chilkhat chief Klotz-Kutch, or "Hole-in-the-Face," and others send to me for advice, and express anxiety lest the men may be killed.

Under these circumstances, I should be very glad to co operate in any steps it might be in your judgment advisable to take towards suppressing these growing troubles.

I think it a wise policy to recognize and encourage these Indians in thus submitting their wrongs to the government, and that a ceremonial visit from ourselves in person, accompanied by an armed force, will produce excellent effects.

If you feel justified in furnishing a steam vessel, I will undertake to man, arm, and provision her for such a trip.

I inclose letters bearing upon the subject.

Respectfully,

L. A. BEARDSLEE, *Commander.*

Maj. WM. GOUVERNEUR MORRIS,
Special Agent Treasury Department.

My reasons for addressing the foregoing to Major Morris were that I deemed it but courtesy to the Treasury Department to offer to its representative all assistance in my power to enable him to fulfill his duties, in lieu of undertaking myself to perform them.

I addressed the special agent instead of the collector, as the latter had notified me that he should not call upon the Jamestown for any assistance whatever, our official difficulties having degenerated into a cessation of intercourse upon his part.

Had Major Morris not have arrived as he did I should not have hesitated to undertake the duty upon my own responsibility in my capacity of senior representative of the government in Alaska.

After thorough study of the situation, Major Morris wrote to me the following letter:

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT,
Sitka, Alaska, August 11, 1880.

CAPTAIN: In reply to your communication of yesterday, informing me of the presence of certain canoes manned by Indians from British Columbia in the waters adjacent to this port, engaged in the unlawful killing of the sea-otter, in contravention with section 1956 of the Revised Statutes of the United States, I have the honor to say:

Thanking you very much for the information conveyed, and more particularly for your kind offer of assistance in the premises, it will afford me pleasure to take such steps as may be available for the purpose of putting a stop to these illegal practices and expeditions.

Accordingly I have made arrangements with the managers of the Northwest Trading Company for the use of their steamer, the Favorite, at a certain per diem compensation. It will certainly be necessary to have an armed force on the vessel, not only for my own protection, but for the purpose of intimidating these Indians from a recurrence of these practices. A visit also from yourself personally would have a very healthy effect in preserving order throughout this archipelago.

I have the honor, therefore, to request that you may be able to accompany me, with a portion of your command, at an early date, to Cross Sound and Chilkhat country. All details incident to the voyage, armament of the steamer, force, subsistence, &c., can be arranged between us personally.

I am, respectfully, your obedient servant,

WM. GOUVERNEUR MORRIS,
Special Agent.

Commander L. A. BEARDSLEE, U. S. N.,
Commanding U. S. Ship Jamestown, Harbor Sitka, Alaska.

In pursuance of the arrangements made between Major Morris, as representative of the Treasury, and myself, as senior naval officer, the proposed trip was made, and its objects and results reported to the Navy Department in the following dispatch:

U. S. S. JAMESTOWN, *Sitka, September* 1, 1880.

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.:

SIR: In compliance with the request of special agent of Treasury Department, Wm. Gouverneur Morris, which request was based upon information given to him by me, as reported in my letter of August 11, as to many violations of the revenue laws, and intrusion upon our waters of English Indians, hunting sea-otter, I have during the month of August accompanied him, with an escort of officers and men, upon a tour among the most prominent Indian tribes who inhabit the inland coasts of Alaska.

Our trip was made in the steamer Favorite, belonging to the Northwest Trading Company, and beginning on the 14th day of August, extended over fourteen days, we arriving in Sitka on the 28th ultimo.

The objects of the trip were, first, to visit the Hoonah villages in Cross Sound, and to there take steps to prevent a threatened war between the Hoonahs and the British Columbia Indians of Fort Simpson, the latter having trespassed upon the rights of the former by killing sea-otter upon the hunting grounds of the Hoonahs; second, to visit the Kootznoo tribe on Admiralty Island, to prevent a renewal of troubles between them and the Stickienes at Wrangell, reports having been brought in that such troubles were about to occur; third, to visit the Chilkhat country, for the purpose of strengthening and encouraging that tribe and the Chilkhoots in their advanced step of opening their country to miners and traders, which step was taken by my request, and is the legitimate growth from the successive steps of mine, in sending, in September, 1879, several of our Indians to Chilkhat, upon the occasion of a big fight, which resulted in an invitation to the whites to come, in response to which, I, in May, furnished a party of pioneers with escort (see report of June 7, 1880); and in general terms, to have interviews with as many as possible of the leading tribes, among whom white men are now beginning to penetrate, and to establish with them a feeling which would cause them to receive the whites with favor, and treat them friendly.

My reasons for going in person were, first, I am convinced that as "captain of the Jamestown" I have more influence with the Indians, from one end of Alaska to the other, than any other person; I do not speak boastingly, but simply state a fact, which is believed by all here, and confirmed by much evidence.

From Hoonah, Chilkhat, and Kootznoo I had received requests from the chiefs for advice and assistance upon important matters, and I was assured by returning pioneers that I could, by a personal visit, mold the Indians as I wished. Second, as the period during which white men clung to the settlement of Sitka, and called for "protection" was so far terminated that they were now penetrating the country in all directions in safety, and starting various businesses, it was advisable that a civil officer of the government, versed in trade and business matters, and familiar with the laws relating to such, should visit and teach them, and it was, I thought, proper that this representative of advancing peace should be introduced by the retiring representative of war.

In making up my party for this trip I selected Master G. C. Hanus, Dr. N. M. Ferebee, and ten of the best men of the ship. Mr. Hanus, because our voyage would carry us into unknown seas, where there existed many uncharted shoals and dangers, and where the safety of navigation required many corrections of all existing charts, and there is no young officer in the service better adapted for this duty than Mr. Hanus. He is observant, accurate, has a passion for surveying, and is indefatigable, and I feel confident that an examination of the sailing directions, surveys of harbors, locations of dangers, &c., which are incorporated in his report to me, and which I forward to the Bureau of Navigation, will fully justify my encomium.

The vessel was armed with a howitzer and Gatling gun, and rifles for the crew. I, acting for the Navy Department, furnished fuel, at first relying upon the government

coal-pile, but finding it, eventually, to be necessary to purchase wood en route and to use the steamer's stock of soft coal, our hard coal not making sufficient steam.

Our first visit was to Koteosok Harbor, on Admiralty Island, where we arrived on the 16th of August, having been detained at an anchorage in Peril Straits by a southeast gale for two days. About the center of Peril Straits there exists a dangerous, uncharted rock, upon which several vessels have struck. Mr. Hanus was sent to search for it, and although it was nearly high water, succeeded in finding and locating it. It is directly on the track of the U. S. S. Ossipee, as given on chart 223 corrected by Meade. At this place, Koteosok Harbor, the Northwest Company have established a trading post, and the agent, Mr. Edward DeGroff, reports that during his two months' sojourn alone among the Indians he has been well treated by them. This is the home of the Kootznoo Indians.

Our interview with the Indians was held on the 17th, it having been necessary to send for a leading chief to a salmon river, some 25 miles away. This chief, named Kitchnath (Jake), was one of the Indians who were, in 1869, carried away as hostages by Lieutenant-Commander Mitchell, in the Saginaw, and I found him a prisoner when I assumed command of that vessel at Mare Island. My treatment of him and the other Indian prisoners on the Saginaw was fortunately such that as soon as Jake recognized me he was ready to comply with all that I should ask. The other chief, Gandshana (Andrew), had a most excellent letter from Lieutenant-Commander (now Captain) Meade, and from all I can learn of him he has continued to deserve it.

In this and all subsequent interviews I took the lead, and endeavored to impress upon the Indians that the war-ship was sent because the government had reason to believe that the Indians were dangerous and unfriendly to the whites; that I had found considerable misunderstanding and bad feeling at first, and that I had been compelled to punish a great many bad Indians; that at first the better Indians looked on and neither helped nor hindered me, but that of late we had got to understand each other, and that bad Indians gave me very little trouble because other Indians restrained them. All of which and much more of importance here, but which would seem in description puerile, led up to my telling them that the Great Tyhee in Washington was pleased and had now sent a peace tyhee, as I had told him the time had come for such officer to take hold.

Throughout all the interviews it was considered inadvisable to make presents; such policy tends to lead the Indians to think that we are afraid of them and willing to buy their good-will. My plan is to impress them that they are the ones benefited, and that it is a great favor to them that the whites come. Major Morris then took charge and explained to them about business matters. The results of this interview with the Kootznoos were, promises of welcome and good treatment to the whites, not to renew the war at Wrangell, and to report to me, instead of redressing themselves, in case of any difficulty with whites.

Leaving Koteosok at 4 a. m. August 17, we steered into Cross Sound, and at 3 p. m. anchored in Port Frederick Harbor (Komtockon), latitude 58° 09′ north, longitude 135° 30′ west, abreast the largest village of the Hoonah tribe. But very few Indians were at this ranch, which is the winter home of about 800, who during the summer are scattered among the inlets and on the coast, fishing for halibut and salmon, and hunting sea-otters. The hunting ground of the latter is about 30 miles northwest of Cape Spencer, and it was upon these grounds that a company (thirty canoes carrying three men each) of Fort Simpson Indians had been depredating. As there were no chiefs at the main village, we left there on the morning of the 18th, and ran to a harbor on an island, not named on charts, but called by the Indians Tesich. As we surveyed and made a chart of this harbor, we have called the island "Sherman Island," and the harbor "Willoughby Cove"—a man named Willoughby making his home here among the Indians. It was on information sent by Willoughby (confirmed by others) that Morris has acted. Willoughby arrived in Sitka the day before we started and accompanied us, and was quite useful through his local knowledge. We left him at his cove. In passing Point Adolphus, latitude 58° 18′ north, longitude 135° 41′, and thence to Willoughby Harbor, we encountered many icebergs.

At this place (Willoughby Cove) we held interviews with the Hoonah chiefs, Kahlodushak, Klaratoosah, and Kahemuk, who were the men who induced Willoughby to write me. The first named is a venerable and very eloquent man, and has great authority with his tribe. We learned from them that the "King George" Indians had gone home a few days before; that he had sent to them a letter which I had sent him by Willoughby, and that when they read it (the Fort Simpson Indians are educated and can read and write) they went away, but said they would return in September, with sixty canoes, and would not care then for the Jamestown, that they were "King George" Indians, and the "Bostons" could not touch them.

After the usual interview, conducted by myself as war tyhee, Major Morris continued the talk, and arranged a great deal of business in his own department. The Hoonahs were very much pleased at the attention paid to their request, and have promised not to fight the "King George" Indians, but to report to me if they come again,

Major Morris promising them to endeavor to get the English authorities at Victoria to stop the projected raid. I trust that he will be successful, for otherwise I shall have a very difficult task in endeavoring to stop a war which will involve the home governments. A deep bay, named by me "Glacier Bay," which is not on the chart, penetrates the northern coast of Cross Sound, between longitude 35° 38′ west, and 135° 56′ west. This bay is 35 miles deep, and at its head are five immense glaciers, from which the icebergs we have encountered are derived.

As this bay is entirely unknown, and as a branch of the Hoonas were in the upper part of it, we, depending upon the local knowledge of Willoughby and an old Russian of our crew, who had been up it in command of a schooner, concluded to try to interview the Indians, and make a running survey. We failed in the former, as, when we reached the inlet up which they lived, we found a bar which prevented our reaching them; but we got a pretty fair chart of the bay, and returned that night to an anchorage to the eastward of Point Adolphus.

On the 22d we left this anchorage and at 2 p. m. anchored in Swanson's Harbor, latitude 58° 13′ north, longitude 135° 13′ west, just inside Cordova Point, to await low-water, to enable us to locate a dangerous shoal.

There is here an Indian ranch, the head chief of which is Sitka Jack, who was absent. We obtained wood, and a chief named Karshle was in charge, whom we interviewed.

At 6 a. m., 23d, we started for the above named shoal, which is so conspicuous at low-water that I cannot conceive how it has escaped notice. We stopped and landed Mr. Hanus with instruments on it at 8 a. m. This shoal is in latitude 58° 09′ north, longitude 135° 08′ west, just in the fairway of the junction of Cross Sound and Chatham Straits, and was from 3 to 7 feet out of water, and at low-water fully one-fourth of a mile square. At high-water it would cover from 11 to 15 feet, according to tides. As this rock is not on any chart, nor described in any sailing directions, its locating is of great importance, and I named it "Hanus Rocks."

We then proceeded up Lynn Canal for Chilkat. The day was fine and warm, and the mountain scenery, which included hundreds of glaciers, magnificent. Before passing into Chatham Straits we had a fine view of Mounts Fairweather, Crillon, and Perouse. At 6 p. m. we anchored in William Henry Bay, on west side of Lynn Canal, latitude 58° 44′ north, longitude 135° 19′ west, to procure wood, which the Indians cut and cord for the company for $2 per cord, and it is most excellent fuel (hemlock). We made survey of harbor, &c. On 23d, 6 p. m., we arrived at the trading post between the Chilkat and Chilkoot villages. We here found that our visit was very opportune, as it was at once reported to us that a war had started between the Chilkats and Chilkoots. The Chilkats and Chilkoots have for generations claimed the exclusive right to trade with the Stick Indians, who live in the interior and are not allowed to come to the coast, and it was to prevent trespass upon the trade that they have hitherto objected to the whites coming among them; and their consent to the going into the interior of the miners was based upon promises made by the latter to refrain from trading with the Sticks. Their suspicion that Mr. Steele (who was not bound by promise) was endeavoring to establish the forbidden trade, had led them to appeal to me for assistance to prevent his so doing.

The inclosed sketch * will, with brief description, enable you to understand the situation.

The northern extremity of Lynn Canal is bisected by a narrow tongue, which produces two deep inlets, called, respectively, Chikat and Chilkoot Inlets. These are the most powerful and warlike tribes on the coast and their main villages are situated about 20 miles up rivers which empty into the inlets.

The mouth of the Chilkat River is obstructed by flats which can be passed only by canoes. Just below these flats, on the western side of the peninsula, there is a village called the "Lower Chilkat Village," but as it is inhabited by about equal numbers of Chilkats and Chilkoots, and governed by a chief of the latter tribe, it is more properly a Chilkoot village, and at it the two tribes meet for trade, &c., a trail crossing the peninsula. At the eastern end of this trail there is a good harbor, Portage Bay, and the Northwest Trading Company have built a house and established a trading post at this point, around which a new village will soon grow. The trader, a Mr. George Dickenson, is married to a Tongas Indian woman, who speaks, reads, and writes English, and is a missionary. Through the Dickensons we learned as follows:

A few days before a nephew of Klotz-Kutch, named Yakekoko, being drunk, desired to attack and kill a Frenchman named Pierre Erassard, who was at the Chilkat village, in a boat from Sitka on a trading voyage. Yakekoko has what is termed a "blood feud" with the whites, he having been stabbed last winter in Wrangell by a white man named John Currie, and in consequence has sworn to kill a white man to

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* Hydrographic Office Chart No. 883, which embraces this locality, is substituted for the sketch referred to.

"get even." The attack upon Erassard was prevented by Klotz-Kutch, but as a barrel of molasses had been sold to the Indians (probably by the same Frenchman) many were drunk and a big fight ensued, during which Yakekoko shot and killed a Chilcoot Indian named Kootsnatz, the man who last fall wounded Klotz-Kutch (see letter of October 1), creating then a riot, which I had stopped temporarily by sending up Dick, Sitka Jack, &c.

Klotz-Kutch is getting old, and a class of young fellows are disposed to rebel against his authority, his ideas being in advance of theirs as regards the admission of miners, traders, and missionaries. All of the Indians of the lower village side with the Chilkoots, and after several days of skirmishing at the main Chilkat village, the side opposed to Klotz-Kutch, which was headed by Danawak, chief of lower village, sent to the main Chilkoot village for re-enforcements. The day before we arrived two canoes carrying over forty men had passed the trading post bound to Chilkoot from Chilkat, and every man belonging to the lower village had gone to the meeting, at which a big potalatch or drunk was taking place.

I learned also that Mr. Steele, the miner who was believed by the Indians to have endeavored to trade with the Sticks, was stranded about 15 miles by water above the Chilkoot village, and that the Indians refused to bring him down. Messengers were at once dispatched to Chilkat and Chilkoot to the head men, requesting them to declare a truce, and to meet us in council at Portage Bay on board the Favorite; also to the Chilkoot chief, requesting him to send at once a canoe for Mr. Steele and bring him down to us if he wished.

On the 24th Klotz-Kutch and Colchica, chiefs of the Chilkhats, accompanied by the trader Erassard, arrived; also, from Chilkhoot, Mr. Steele. Erassard confirmed the story of the Dickensons as to state of affairs in Chilkhat, saying that every night the fighting, which was suspended during the day, was renewed. This is Indian custom, their system of "getting even" making it very dangerous to a man to be identified as the killer of another, even in battle, and Steele reported that the entire Chilkhoot village was drunk when he left. Steele denied the reports which had been made, but did not convince me that he was entirely blameless.

That evening an interview was held with the two chiefs, and the matter of difficulty between Steele and the Chilkhats adjusted satisfactorily. We declined to talk of the war now progressing, until the Chilkhoots should be present. August 25, in the morning, a light canoe, with the American flag flying, came down from Chilkhoot. In her were several Chilkhoot chiefs. We appointed a conference at 10 a. m., and they went to the beach to breakfast, refusing to go to the trading post because the Chilkhats were there.

At 10 a. m. we fired a gun, and soon after all came on board. As this was a very important interview, we all dressed in uniform and epaulets, and the Indians, as far as in their power, vied with our splendor. Major Morris also donned a uniform, as it was necessary to add to our strength everything which could impress the natives. There were present, Chilkhats: Klotz-Kutch and Colchica, chiefs of main village; Chilkhoots, Danawak, chief of lower village; Karskarz (Indian shaman), chief of Chilkhoot village, and a young fellow, brother of Danawak, and his probable successor, who is very influential, and who has made lots of trouble. The following is a synopsis of the interview:

Interview between Commander L. A. Beardslee, U. S. Navy; Major Wm. Gouverneur Morris, special agent Treasury Department; Chilkhat chiefs, Klotz-Kutch and Colchica; Chilkhoot chiefs, Danawak, Karskarz, and others, at Trading Post, Portage Bay, Chilkhoot Channel, August 25, 1880.

Geo. Cozian and Shukoff, Interpreters.

Past Assistant Surgeon Ferrabee and Master G. C. Hanus, U. S. Navy, were present.

Commander BEARDSLEE: "I have sent for you to talk with you on a subject of great importance. I do not wish you to interrupt me, but to wait till I have finished, and then I will hear you. Many years ago a great Tyhee of the United States, Mr. Wm. H. Seward, came to this country. He traveled all over it, and when he reached Chilkhat he was the guest of Klotz-Kutch, and he writes in this paper you have shown me that Klotz-Kutch, and all of the Chilkhats used him well. He was greatly pleased with what he saw of the country, and when he got home he told his government that it was good; that the lands were rich in furs, minerals, and timber; the waters teeming with valuable fish, and the Indian tribes brave, intelligent, and disposed to be friendly; and by his advice the great Tyhee in Washington bought Alaska, and paid many millions of blankets.

"White men began to come to this country, among them both good and bad men; the last, seeing the riches of the country, wished to keep it to themselves, so they wrote false letters and the white men read that the country of Alaska was 'bad land' and the Indians a dangerous, treacherous lot of men, and that the whites could not stay here unless the government sent a war-ship or soldiers to protect them. Some of

these reports were true, for the white men and Indians did not understand each other, nor how to get along together.

"The government sent the war-ship asked for, and selected me to command it, and it told me to protect the whites, and Indians who desired it, from the bad Indians.

"I have been on this duty over fifteen months. At first my work was very hard. Bad Indians and bad white men gave me much trouble, and the good men would not assist me, but stood and looked on, because they did not know me; but as time passed, and they saw that the war-ship was the enemy of the bad men only, and the friend of the good ones, these last began to help me, and when I asked the old men to make the young men do right, they did so. Then they began to send to me to advise and help them when they had troubles, and I did so, and by my request the Kootznoos and Stickienes, the Hoonahs, and Sim-Sims (Fort Simpson Indians), and the Chilkhats and Chilkhoots stopped wars that had started, and all sent me word that they wanted the white man to come among them and teach them. So I wrote to the Great Father that war times were over, and that it was now time to send teachers for the children, traders to do business, and a peace Tyhee to teach the Indians how to do business with the whites. Such a Tyhee has come with me. I came myself that I might get acquainted with all of the chiefs who have helped me so much, and that I might introduce to them the business Tyhee as my friend, that they might know that the war and peace Tyhees of the white men worked together.

"At Koeteosok, Kootznoo, Hoonah, Tink-ha-tah and other places, we found all quiet and peaceful, and we talked with the chiefs—I about such matters as I had charge of, and the business Tyhee instructed them how to carry on their business with the whites; but, now we have arrived at Chilkhat, the business Tyhee cannot talk, for there is war, and my work is not yet finished.

"Unless this war is stopped at once I shall leave here to-day and go back to the Jamestown and tell the Great Tyhee in Washington that the Chilkhats and Chilkhoots are not yet ready for a talk with the business Tyhee, and that the white men must not come beyond Cross Sound. I am very grieved and mortified. Cannot you four men, and will you not, stop this trouble, which is now but like a little fire which has started, and which can easily be put out by a cool breath, but which, if it gathers headway, will destroy the country. Will you not help me to blow it out?"

At this point a conversation between themselves was followed by a request that we should hear the story of the war and act as arbitrators; this we refused to do. Such action would have been highly impolitic. It would be impossible for any white man to place just the right weight on the various points which would arise. From an Indian point of view, in which both parties would coincide, acts which we might condemn would be considered as right, and *vice versa*, and I said to them:

"That we cannot do; we did not come here to interfere in your affairs; we came in a little boat, as friends, to pay a visit; we know that you Indians have laws, and that by them this dispute can be settled better by your chiefs in cool deliberate council than by young men, crazy with hoo-che-noo, killing each other."

KLOTZ-KUTCH. "We have listened to what you have said, and we agree that it is better that we should do what you say, but we cannot settle the affair without consulting the family of (?) (the shot man). I would rather pay two hundred blankets than have a long war about a bad man that was not worth a hundred. We are the rulers of all the Indians, and we promise you that the war shall stop now, and that such payment as a council decides is just shall be paid by me."

Danawak and Karskarz, the Chilkoot chiefs, indorsed the promise of Klotz-Kutch, and the two parties who, up to this time, had held aloof from each other, began a friendly consultation.

I then said to them: "Now that you have all joined in this promise, am I to understand that, except as to the amount to be paid, the whole affair is settled, and that the war is over?" All assured me that such was the case, and I then said: "I know that you will keep your word, for you are warriors, and brave, and only cowards lie, and I know that you old men have wisdom enough to see that it is best to settle a trouble without anger."

Then I introduced Major Morris, who had a long talk with them on business matters—smuggling, whisky dealing, &c. They manifested much interest in the subject-matter of the major's address, asked a number of questions, and promised to be guided by his instructions. Both of the tribes were greatly pleased by an offer that Mr. Vanderbilt, the agent of the Northwest Company, had authorized Major Morris to make, viz, to build at the trading post a comfortable school-house, where those who wished could be taught by Mrs. Dickenson, the wife of the post trader, and they said that they would not only send their children, but would build a new village around the post so that the children could be with their parents; and after consulting together the Chilkhats selected a site to the westward and the Chilkoots one to the eastward of the store.

They received, with considerable amusement, a proposition made by Major Morris that on future trips of the Favorite good, wholesome beer, which we whites drank

and got fat and healthy on (illustrating by his own person as an example), should be substituted for the trouble-brewing molasses.

It is my belief that if this change can be made gradually, the use of molasses, as a beverage, can be greatly reduced; and so thought the chiefs, who are very willing to have the experiment tried.

After the interview we exhibited to them the howitzer and Gatling, firing a number of rounds from both; the action of the Gatling, which was mounted on a pivot block aft, so that we could sweep two-thirds of the horizon, was particularly interesting to them, as it taught them what one man could do to a fleet of canoes coming from all directions.

After this they all went ashore together to hold a *pow-wow*, and finish up the business. Klotz-Kutch, who had evidently anticipated that the case would go against him, one of his family having taken a life, which must be atoned for by another, or payment, had brought with him a bale of furs and blankets; and we having thus accomplished all of the objects of our mission, including a treaty of peace, and the quelling of a war which had already put a stop to all trade, and had endangered the lives of United States citizens, and which might have been prolonged indefinitely, started August 25, at 1 p. m., for Sitka, arriving at that place on the 29th.

During the trip the Northwest Trading Company, through its agent, Capt. J. M. Vanderbilt, extended to us every facility in its power, and Mr. Hanus sustained his reputation not only as a valuable executive, but by his hydrographic work, in carrying out which he displayed unusual zeal and ability.

The principal results of our hydrographic work are incorporated in hydrographic No. 97, 1880, and in Hydrographic Office chart No. 882, which are appended to this report; also, an extensive and important corrections to Hydrographic Office chart No. 225.

At each place visited Mr. Morris made arrangements with the most trustworthy Indians, through which we believed such offenses against the laws as importation by white traders of liquor would be reported to the Treasury official at Sitka. And we left at each place an ardent desire upon the part of the natives that white men should come and live among them.

ORIGIN OF THE FORAY OF THE ENGLISH INDIANS UPON THE ALASKA WATERS.

After our return to Sitka I received information from a reliable source that the expedition of the Fort Simpson Indians to the sea-otter hunting grounds of the Hoonahs, had been planned and outfitted by white residents of British Columbia, and that the marauding Indians were in the employ of these whites.

The Hoonah Indians had told me the same story, and had stated that the "Sim-Sims" boasted of their white allies. Their story being thus confirmed, I at once communicated to the department the information in the following dispatch:

U. S. S. JAMESTOWN,
Sitka, September 11, 1880.

SIR: Since our return to Sitka from our trip to Chilkat, Hoonah, &c., I have received information that the Fort Simpson Indians who have been engaged hunting for sea-otters on the grounds claimed by the Hoonahs, were fitted out by ——— Hall, the factor of the Hudson Bay Company at Fort Simpson. This man expresses great indignation at the course of the United States Government in taking steps to preserve the Alaska waters for Alaska Indians, and declares that the British Indians shall go when and where they please, and that he will supply them with food, ammunition, and arms, with instructions to fight if necessary.

The Rev. Mr. Crosby, a missionary of the Wesleyan Methodist Church at Fort Simpson, is very violent in his support of the views of Mr. Hall, and as he has a great influence among the Indians, exerts it in this direction.

Both parties claim that there is "nothing in the treaty" which takes from the Fort Simpson Indians a right which they have always held, of killing fur-bearing animals in Alaska, and trading, with English goods, with Alaska Indians; and Mr, Crosby de-

clares that he will so instruct them, and to go to war with any Indians or other persons who attempt to molest them while so engaged.

In the event of the expected raid this fall, I shall simply act as an adviser to the Indians, urging them not to go to war, but to await patiently until the letters I have written upon the subject shall have been received in Washington.

I shall not tell them not to fight, for I am utterly unable to see that my orders are carried out, and do not care to expose weakness.

Very respectfully,

L. A. BEARDSLEE,
Commander, U. S. N.

HON. R. W. THOMPSON,
Secretary of the Navy.

EVENTS IN AUGUST, 1880.

During the month of August three police cases which were acted upon by me were reported to the department in my dispatch of September 12, 1880.

Early in the month a Creole named Sinakoff, who has several times been subjected to discipline for similar offenses, got drunk and beat severely his father and mother, who are old people, and also a little brother. The parents complained to me and asked for protection.

Later in the month another equally disorderly Creole, named Velasse, committed a similar offense, and was reported by those he had beaten.

In both of these cases, after careful investigation, I punished these men by confinement on bread and water diet, taking this step simply because I was fully assured that they deserved punishment; that unless punished so that a fear of repetition would restrain them, the lives of those who had reported them would be in danger, and because I had the power and will to so act, which no one else in Sitka had. I therefore carried into execution the dictates of natural law, and used our strength to protect the weak.

In handling another case which arose during the same month, I found that it was not advisable to depend upon natural laws, and was reduced to accepting the only law existing in the country which could meet the exigency, viz, Indian law.

On the 20th of August one Indian caught another committing adultery with his wife, and shot him. The brother of the shot man, as soon after as possible, shot the shooter. All of this occurred at the ranch near the cannery.

Mr. Rockwell sent an armed party, arrested the living murderer, and held him in confinement, with an accomplice, until my return, when the matter was submitted to me.

I was greatly puzzled how to handle it. While I had no scruple in arbitrarily punishing a case of assault and battery upon women and children, and felt competent to do so, yet I could not strain my authority to such extent as to punish properly the crime of murder. The two deaths left the two families even; the quarrel had been settled, and the two corpses burned under one blanket on the same pile.

I have no method of sending criminals to Oregon, and no funds from which the expenses of their transportation and that of witnesses can be paid; and I am sure that it is not in the power of any United States judge to decide justly a case involving Indian customs, laws, and evidence, unless he has made a careful study of such matters, and is furnished with full and complete evidence; and I believe that the settlement of one such case in accordance with our laws would do more harm than good, unless the precedent thus established could be consistently followed up, not only on Indians within reach of the Jamestown, but with all throughout the country of Alaska.

With no law nearer than Oregon, nor forces except at Sitka, the execution of an Indian at Portland would probably be supplemented by the murder of one or more of the whites in the interior.

I considered it my duty to complete what I had begun, and insure the safety of these men, even if to do so I was compelled to act as I have in this case and shall in future, unless I am otherwise instructed by the department, namely, until Congress sees fit to furnish a substitute, to recognize the only law of this country—the Indian law, founded on the old Mosaic—and, when a murder among themselves is fully atoned for, according to their ideas, either by the death of the murderer or payment for the life, and I am assured that all parties interested are satisfied, and no further troubles will spring up, to do as I did in this case, lecture the criminals and let them go.

Thus the anomalous case was presented that the only governing power in Southeastern Alaska, viz, the will and judgment of a naval commander, could not, without being stretched beyond the limit that even the most full discretionary instructions could give him, prove equal to the administration of justice in case of murder. A man who committed simple assault and battery could be and was punished, but if he committed this assault to the extent of killing his adversary, he was safe.

From the date of my return to Sitka, August 28, until my detachment September 13, 1880, no further event of importance in connection with Indian affairs occurred, and when I left, "harmonious relations had been established between the whites and Indians" throughout the country.

I considered the information communicated to me and reported in my dispatch of September 11 of sufficient importance to justify my stopping at Victoria, while on passage southward, and seeking an interview with the British Indian commissioner, Colonel Powell, R. A., on the subject of the letter, and also in regard to possible causes of future trouble, due o uncertainty as to the location of the boundary line.

The consultation between Colonel Powell and myself, is reported in a dispatch, as follows:

PORT TOWNSEND, W. T.,
September 23, 1880.

SIR: While at Victo.ia, B. C., where I remained three days, I held consultation with Dr. J. W. Powell, superintendent of Indian affairs of British Columbia, in regard o the status of Indian affairs in Alaska, in connection with those of the adjacent ritish Columbia tribes, &c. I explained fully to him the evil results which would necesarily follow a persistence upon the part of Messrs. Hall and Crosby in carrying out heir design of sending English Indians, fitted out for war, to hunt in Alaskan waters, nd gave him such information as I had obtained duri.g my personal visits to Hoonah and other Indian villages.

Dr. Powell, who has full power to carry into effect any course he may adopt—hav- i ng a steam gunboat, the Rocket, at his service—assured me that he would at once ake all necessary steps to prevent another expedition by the English Indians to the Hoonah grounds, and that he would at once report the matter to the Dominion Gov- e rnment at Ottawa, reporting also such information as I gave him, and my views, in which he coincided, in regard to the Chilkhat and Chilkoot Indians.

These Indians have several villages, some of which may be (no one knows positively) on the English side of the boundary line, while the others are unquestionably n the American side. All of these villages, belonging to one tribe, should belong to, nd be governed by, the same power, preferably that of the United States, inasmuch s the tribe is connected by marriage and emigration with several of the American ribes, notably the Sitkas, Stickienes, Hoonahs, Hoo-che-noos, and Auks.

This admixture would produce pernicious effects if part of the Chilkhats, or Chilkoots were to be led to consider that they were King George Indians, and not subject o our control; and secondly, should it ever be necessary to send armed forces to the hilkhat country, England could not do so without passing them through United tates waters, and making a base of operations upon United States soil.

In accordance with the request of Dr. Powell, I wrote a letter, copy of which is inclosed, upon which, and our conversation, he will base his actions.

I had also an interview with the Rev. William Duncan, missionary at Metletcatlah, who possesses great influence among the British Indians. Our conversation was informal, but I am fully convinced that he will use his influence to prevent the threatened troubles.

Very respectfully,

L. A. BEARDSLEE,
Commander, U. S. N.

Hon. R. W. THOMPSON,
Secretary of the Navy.

[Inclosure.]

VICTORIA, B. C.,
September, 21, 1880.

DEAR SIR: In connection with our conversation in regard to Indian affairs in Alaska and the adjacent English territory, I would inform you that in July last the Hoonah Indians, who live in Cross Sound, sent word to me, then in command of the United States ship Jamestown, at Sitka, that Indians from Fort Simpson, B. C., were engaged in hunting sea-otters on the grounds to the northwest of Cape Spencer, claimed by the Hoonahs to appertain to themselves, and requested my advice and assistance in driving the Fort Simpson Indians away.

I wrote a letter to the chiefs advising against fighting, and soon thereafter paid a visit to the Hoonah villages, and investigated the affair, with results as follows: that three canoes, carrying thirty Fort Simpson Indians, had for a month been hunting upon the grounds of the Hoonahs, against the protest of the leading men of the tribe; that they had established themselves at the first by free distribution of liquor to the few Indians (Hoonahs) who, at the date of their arrival were on the grounds; that upon being shown my letter the Fort Simpson Indians went away, saying that in fall they would return with a large number (sixty) canoes, and that then they would not care for the Jamestown; and that they claimed to have the backing of white men.

After my return to Sitka, I learned from sources in which I have confidence that this party had been outfitted by Mr. Hall, the factor of the Hudson Bay Company at Fort Simpson, and that said Hall had publicly declared his intention to fit out a large party to go again this fall, and that he should furnish them with guns and ammunition, and instruct them to fight if necessary. I learned further that a clergyman named Crosby, who possesses much influence with the Indians, indorsed strongly the views and plans of Hall, and declared his intention to instruct the Indians to the same effect.

In my judgment, a persistence in this course will inevitably result in a war between the Hoonahs and Fort Simpson Indians, which will spread all along the coast.

In regard to the Chilkhat and Chilkoot Indians, there being some uncertainty as to the location of their villages, I would say, that while with each tribe the upper village may be beyond the boundary line, the lower villages are beyond question to the southward of it, and that, should it be decided that the upper villages belonged to one country and the lower to another, the situation of affairs would soon become very complicated.

I give you this information with a view to your taking such steps as may be in your power to prevent any collision between the various tribes, and thus co-operate with me in my endeavors, which have resulted in peace throughout Alaska, and an earnest desire for white men to come to it.

Yours truly,

L. A. BEARDSLEE,
Commander.

J. W. POWELL, Esq.,
Indian Commissioner.

In anticipation of soon being relieved from the command of the Jamestown, I, early in September, included in my usual monthly report to the department, the following conclusions as to the condition of affairs in Southeastern Alaska:

[Final dispatch of September, 1880.]

I think that the period has arrived when it becomes my duty to report that in my judgment the permanent retention of a vessel of war at this place is no longer a necessity. Such detention could only be required through a duty of protecting helpless whites from the assaults of dangerous Indians, neither of which conditions now exist.

The able-bodied white men, capable of bearing arms, who have spent this summer at Sitka, have in numbers fully equaled the male Indians; and assuming all of the

latter to be dangerous, the whites should be fully capable of keeping them under control; but many of the Indians are not men from whom any danger need be anticipated; there are many sober and reliable men among them, who are friendly to the whites, and the division into "families" is nearly a guarantee that in case of difficulty with one "family," the alliance with the whites of others could be depended upon.

Nearly every white man in town gives employment in one way or another to one or more Indians, who, through motives of self interest and friendship, would adhere to them in case of difficulties; and a great many of the white men keep Indian mistresses, who would be faithful to them, and would influence their male friends; the state of morals here being such that these women do not lose caste.

I had been led to believe that in case of troubles arising between the two races here, the unfriendly Indians of the inland waters would eagerly hasten to the aid of the Sitkans. While I still believe it likely that some would, I think from my knowledge of the coast tribes, gained during my trips north, that the danger has been greatly exaggerated; or, perhaps, it has been lately reduced through our influence.

I know that among the Hoonahs, Kotznoos, Chilkhats, Chilkoots, Stahkines, and Sticks, white men who behave themselves are living singly and in small parties, in apparent safety and on friendly terms; and at Wrangell, where there are fewer whites and as many Indians, the presence of a vessel of war has not been necessary.

All of the Indians are begging for protection and a government.

On the other hand, I cannot admit that the whites are so helpless a body as to constantly need armed protection, or rather, that they need remain so, had they, as a mass, one particle of public spirit or pride.

There have been throughout the summer enough white men to whip, if necessary, all of the Indians near Sitka, and as the number of the latter increases by the return of hunters and fishermen, so does that of the former, by the return of prospectors and miners.

A great trouble is that the permanent white residents of Sitka will not combine for any purpose. "Each man for himself" is their motto; and their town becomes filthy; the wooden sidewalks rotten, limb-breaking traps; their bridges ruins; and their schools and church a failure, if unsupported by others; with no effort upon the part of more than two or three to prevent. Dance-houses, gambling hells, rum-selling saloons, and houses of prostitution exist on the main street, and no man puts forth an effort against them. * * *

This place and this country need a civil law and government which shall not too abruptly overturn the laws and customs which the Indians hold sacred. Such governing power should need the support of a small armed steamer, which could, until the law was firmly established, patrol the water—this to be followed up by occasional visits of steamers of the North Pacific squadron. This ship is comparatively helpless, except to swell the gains of the traders. We can very easily subdue any fractious Indians who might come within our reach, but we cannot reach, effectually, any others. Fortunately the moral influence has been considerable, and throughout Alaska the Indians respect and fear the Jamestown and yield to her commanding officer great deference. This, however, would cease should he, through error of judgment, permit to become excited among them a feeling of opposition. Should they once begin to defy us they would speedily discover how powerless the Jamestown would prove to inflict thorough punishment.

I would gladly exchange her for a tug of the Speedwell class, and feel that the country would gain by the change.

The foregoing completes the consolidation of extracts from my dispatches in regard to Indian affairs.

Before closing this portion of the report it seems not out of place that I should avail myself of information furnished to the department by my successor, Commander Glass, which bears upon subjects which have been discussed. Up to the latest dates, March, 1880, the Indians throughout Alaska have kept their promises to me, and have remained on harmonious terms with each other and with the whites.

Shortly after my departure in September, 1879, Lieutenant Symonds continued in the Favorite the system of survey begun by Mr. Hanus Visiting the Chilkhat village he found that the promise of Klotz-Kutch to pay the demanded forfeit had been made good, and that peace was re-established.

Among the important results of this second trip in the Favorite was the hydrographic work embodied in chart and Hydrographic Notice 98, and the locating of the Chilkhat villages, which he finds are beyond

doubt in the United States territory; he also obtained a census of the Chilkhats and Chilkhoots, which shows that their numbers have been overestimated.

The privileges granted to the miners of penetrating the country have resulted in the discovery of gold-bearing ledges and silver ore in various places, which, it is thought, are of great value, and these discoveries have attracted to Taku so many whites that a new town called Rockwell has been built, which will undoubtedly soon prove a flourishing settlement.

PART III.

HYDROGRAPHIC.

PART III.

HYDROGRAPHIC WORK.

Beginning in June, 1879, the entire summer and first part of autumn were devoted to a careful survey of Sitka Sound and its approaches.

Our experience in entering had taught us that neither of the charts or sailing directions was reliable or correct, and it was considered advisable to make an entirely new chart instead of attempting to correct the old one.

A new base line, extending from the inner end of the wharf, directly up the main street, to a spot exactly under the center of the dome of the Russian Church, was measured, and every day that the weather permitted was devoted to the work, which was performed with conspicuous zeal and ability by Lieut. L. M. Symonds, navigating officer, and Master G. C. Hanus, assisted at various times by nearly every available and capable officer of the ship; and every boat of the ship, with Indian canoes in addition, were pressed into the service.

The steam launches proved very valuable for this work, we running in them over 165 miles of soundings, during which over 5,000 casts were recorded and 902 angles observed.

As information was obtained involving corrections to existing charts, reports were sent to the Bureau of Navigation which were incorporated in the Hydrographic Notices and Notice to Mariners, Nos. 63, 66, and 81 for 1879, and No. 5 for 1880, herewith appended.

The first named, describing the accompanying chart of Symonds' Bay, on the island of Biorka, to survey which the survey of the sound was interrupted for a short period in August. The results of the season's work are embodied in a complete chart of the sound, channel, and harbor of Sitka, which is the only one in existence which is at all correct. The chart is now being published by the United States Coast Survey, to whom it was transferred by the Bureau of Navigation. Among the important results were the discovery of several dangerous reefs, of uncharted islands, new harbors and channels, and the correction of the position of nearly every one of the hundreds of islands and reefs which form a net-work in front of the harbor.

Tidal observations were taken and the establishment of the port redetermined, our results coinciding with those of the United States Coast Survey in this respect. I would here state that Prof. W. H. Dall, of the Coast Survey, who had made previously a short visit to Sitka, indicated to me, before leaving Washington, certain probable errors in the old charts, and that in every such case our results confirmed his views.

1880.

The hydrographic work for the summer of 1880 was confined to that performed by Master G. C. Hanus while on a trip through the inland

waters with me in the steamer Favorite, a portion of which is incorporated in Hydrographic Notice No. 79 of 1880, hereto appended, and other portions in corrections to Chart No. 225, which is now being altered in accordance.

After my being relieved by Commander Glass, the survey of the inland waters, through the medium of the Favorite, was continued by him, and the results of a trip made by Lieut. F. M. Symonds are incorporated in Hydrographic Notice No. 78, which, as it serves to explain certain portions of this report, is also appended.

Mr. Symonds's work furnishes also other important corrections to Chart 225, which chart is the only one of use to a navigator in these inland seas, and which had been laid aside as too erroneous for issue.

The surveys of the Jamestown have restored its value, and a section of it, on which the correction made by the Jamestown are indicated in red ink, is hereto appended. This includes Glacier Bay, Tya Inlet and River, Chilkhat Lake, Taheen River, and rocks off Cross Sound, called Hanus Reef.

A copy of this notice will be sent free of charge to any ship-master on application to this office. The substance of this notice is to be inserted in red ink on the charts affected by it, and introduced into the margin, or otherwise in the page, of the Sailing Directions to which it relates.)

HYDROGRAPHIC NOTICE.

[No. 63.]

ALASKA—SITKA SOUND—BIORKA ISLAND.

The following information, extracted from the report of Lieut. F. M. Symonds, U. S. N., relating to Sitka Sound, &c., has been received from Commander L. A. Beardslee, U. S. N., commanding U. S. S. Jamestown:

462. *Biorka Island* is about 5 miles in length, and its greatest width, north and south, about 2½ miles; it is densely covered with trees and tall grass, with some underbrush, but not as rank as that found at localities farther removed from the sea. There is a lake at the eastern end, the supposed outlet of which furnishes a place where vessels may easily obtain water by using boats.

The western shore of Biorka Island is bluff and may safely be approached to within a distance of 250 yards. The channel between it and a rocky patch to the westward is clear. (H. N. 63–'79.)

463. *Caution.*—The passage to the eastward of Biorka Island is foul, being studded with sunken rocks, and is therefore not recommended.

On the north side of Biorka Island, near its east side, is good anchorage in a bay lately surveyed by Lieut. F. M. Symonds, and Master G. C. Hanus, U. S. N., which has been named Symonds Bay. (H. N. 63–'79.)

464. *Symonds Bay.—Entrance Island.*—Situated on the west side of the entrance to this bay is a nearly circular rock, fifty (50) yards in diameter, and rises about 45 feet above high water mark. It is entirely barren, and is an excellent mark for that side of the entrance. (H. N. 63–'79.)

465. *Hanus Island.*—The eastern entrance point of Symonds Bay is covered with trees on its western side.

Although in the directions for entering the bay it is recommended to give Hanus Island a berth of 200 yards, leaving it to port, yet it may be approached to within a distance of seventy-five (75) yards. The distance stated in the directions being calculated to apply more particularly to night navigation when it is sufficiently clear to plainly make out Hanus Island. By day it is only necessary to avoid the kelp patches. The first kelp patch on entering is on the western side of the bay, and marks a rock with but two feet water over it at low tide. This rock is the only danger in the bay.

At the head of the bay is a gradually sloping white beach, which can be seen quite a distance at night. (H. N. 63–'79.)

466. *Directions.*—With the exception of the rocky patch to the westward of Biorka Island the approaches to Symonds Bay are free from dangers. Entrance Island on the west side, and Hanus Island on the east side, mark distinctly the harbor.

Approaching the entrance, avoid the kelp patch to the northward of Hanus Island, and give the island a berth of 200 yards to the westward, then head for the sand-beach, the center of which will bear about SSE.

Anchor in seven (7) fathoms, avoiding the kelp on either shore of the harbor.

Holding ground is good, and anchorage sheltered against all winds, except those between WNW., and N. by E. (over north). NNW. blows directly into the bay. (H. N. 63–'79.)

NOTE.—Fresh water and wood in abundance.

467. *Rocky Cove.*—This cove is situated on the south side of Biorka Island, but its entrance is closed by dangerous sunken rocks and small rocky islands; its shores are covered with great quantities of drift-wood. (H. N. 63–'79.)

468. *Sitka Harbor.—Entrance.*—Lieutenant Symonds cautions vessels against using the western channel leading to Sitka Harbor, owing to the existence in that channel of two dangerous sunken rocks, of which further particulars will be published in a future notice.

The eastern channel is wide and safe, and its entrance is well marked by Jamestown Beacon, No. 3.

Corrected establishment, Sitka wharf.....XIIh., 24 m.
Mean rise and fall of tides.....8.4 feet.
Extreme range of spring tides (same day).....10.4 feet.
(H. N. 73–'79.)

This notice affects the following charts, &c.:
British Admiralty, Nos. 2683, 787, 2172, 2431, 2337, Sitka Sound.
468. No. 2348, Sitka or New Arkhangel.
U. S. Hydrographic Office, No. 527.

Sailing directions:

"Coast pilot of Alaska," Part I (U. S. C. S., 1869), page 116 (462 to 467 inclusive), page 118 (468).

"Bering's Sea and Coast of Alaska," Findlay (1869), page 61.

By order of the Bureau of Navigation.

S. R. FRANKLIN,
Captain U. S. N., Hydrographer to the Bureau.

U. S. HYDROGRAPHIC OFFICE,
Washington, D. C., October 11, 1879.

(Bearings magnetic. Variation 28° 59′ easterly in 1879.)

(A copy of this notice will be sent free of charge to any ship-master on application to this office. The substance of this notice is to be inserted in red ink on the charts affected by it, and introduced into the margin, or otherwise in the page, of the Sailing Directions to which it relates.)

HYDROGRAPHIC NOTICE.

[No. 66.]

The following information relating to the existence of a dangerous sunken rock near Mokhnatoi (wooded) island in the approaches to Sitka Harbor, derived from the report of Lieut. F. M. Symonds, U. S. N., has been received from Commander L. A. Beardslee, U. S. N., commanding U. S. S. Jamestown:

475. *Sitka entrance.—Sunken rock.*—A dangerous sunken rock with 9 feet over it at low water, on which the sea breaks during bad weather, lies SSW. $\frac{3}{8}$ W., 465 yards from the east point of Wooded Island (Mokhnatoi).

NOTE.—A rock near this position is marked on the Russian chart of 1809, but is not found on charts of a later date.

Directions for the eastern channel.—After passing Vitskari Island stear NE. $\frac{1}{2}$ N., until East Beacon, which is on Eckholm Island, bears E. $\frac{1}{2}$ N., after which eastern channel may be entered with safety, keeping well on the south side of the channel in order to clear Simpson's shoal and Tzaritia rock.

Caution.—Vessels drawing more than 21 feet must avoid a rocky patch lying E. by

N. from Entrance Island by passing within a distance of 300 yards of the eastern extremity of that island; this patch is marked on all the charts of the locality.

Sailing vessels working to windward must also avoid Zenobia Shoal, which lies nearly on the line between Kulitch and Liar rocks, and a two-fathom shoal which bears NE. by N., about 2¼ miles from Vitskari Island, the sunken rock near Wooded Island above referred to and four dangerous breakers lying westward of the rock and about NNE. ½ E. from Vitskari Island.

(Bearings magnetic. Variation 28° 59′ easterly in 1879.)

(Report of Lieut. F. M. Symonds, U. S. N., U. S. S. Jamestown, Sitka, October 7, 1879.)

This notice affects the following charts, &c.:

British Admiralty, Nos. 2683, 787, 2172, 2431, 2337, Sitka Sound.

(468.) No. 2349, Sitka or New Archangel.

U. S. Hydrographic Office, No. 527.

Sailing directions:

"Coast Pilot of Alaska," Part I (U. S. C. S., 1869), page 118.

"Behring's Sea and the Coast of Alaska," Findlay (1869), page 61.

By order of the Bureau of Navigation.

S. R. FRANKLIN,
Captain, U. S. N., Hydrographer to the Bureau.

U. S. HYDROGRAPHIC OFFICE,
Washington, D. C., November 10, 1879.

(A copy of this notice will be sent, free of charge, to any ship-master on application to this office. The substance of this notice is to be inserted in red ink on the charts affected by it, and introduced into the margin, or otherwise in the page, of the Sailing Directions to which it relates.)

HYDROGRAPHIC NOTICE.

[No. 5.]

ALASKA—SITKA HARBOR AND APPROACHES.

The following information relating to Sitka Harbor and its approaches has been extracted from the report of Lieutenant F. M. Symonds, U. S. Navy, navigating officer U. S. S. Jamestown, Commander L. A. Beardslee, U. S. Navy, commanding, who has just completed a survey of the locality:

36.—*Sitka Sound.*—To a vessel coming up Sitka Sound the islands about Sitka appear as one confused mass, but they may be approached boldly until the beacon erected by the Jamestown on Beacon Group is made out, after which a vessel's position may be plotted accurately and the desired channel chosen without difficulty.

36*a*.—*Zenobia Rock.*—This rock has only fifteen feet of water over it, and not 18 feet, as previously reported, and as shown on existing charts. (H. N. 5–'80.)

37.—*Middle Channel.—Pritchard Shoals.*—A reported dangerous shoal shown on all charts of the locality, covered by eight (8) feet and bearing north (easterly) from Passage (Goloi) Island does not exist in, or near, the reported position, but is undoubtedly an erroneous position of the western of Pritchard Shoals. (H. N. 5–'80.)

38.—*Mitchell and Rose Rocks.*—These rocks are incorrectly placed on present charts. They lie near the fair-way and should be left to starboard in entering. The center of Turning (Povorotni) Island, bearing N. by E., clears both, and leads through midchannel between the western of Mitchell Shoals and a three-fathom spit extending ENE. about 309 yards from Volga Island.

39.—A shoal lying nearly west from Passage Islands is of greater extent than heretofore supposed, and narrows the channel between Passage Island and Surf Rocks (Bolivnoi Island) to about 250 yards, which renders its use unadvisable, even in fine weather. (H. N. 5–'80.)

40.—*Keene Rock.*—The position of this rock as reported by Lieutenant Craig, U. S. N., and published in Hydrographic Notice No. 35 (289), of 1879, is correct; but another rock, with only 14 feet water upon it, lies about 75 yards SE. by S. from it. (H. N. 5–'80.)

41.—*Western Channel.—Rock.*—A dangerous rock lies NNW., about 340 yards from the northern extremity of Signal-light Island, and from the rock a shoal with from 9 to 18 feet upon it extends NW. about 130 yards.

42.—*Whiting Harbor.*—This harbor, in which the holding ground is good, and excellent shelter found against northeasterly gales, is situated on the south side of Japan

Island, or between the south shore of that island and the islands to the southward of it, viz, Survey Island and Lodge Group. (H. N. 5–'80.)

43.—*Beacons.*—As previously reported, beacons have been constructed on Vitskari and Mokhnatoi (Wooded) Islands; but in addition to these another beacon has been erected on Eckholm Island (Beacon Group), which is similar in size and construction to the one on Wooded Island, described in Notice to Mariners No. 81 (431), of 1879. (H. N. 5–'80.)

44.—*Kulitch Rock Breakers.*—The western breaker of Kulitch Rock bears S. 7° W. from Wooded Island Beacon. (H. N. 5–'80.)

NEW ISLANDS NAMED.

45.—*Jamestown Group.*—This name is given to a group of islands (heretofore unnamed) the NW. extremity of which lies SW. by W. $\frac{3}{4}$ W., about 870 yards from the NW. point of Thompson (Galankin or Sandy) Island, and extends thence in an E. $\frac{1}{2}$ S. direction for a distance of about 340 yards.

Jamestown Bay is situated on the south side of Jamestown Group. Fresh water may be obtained there, to facilitate which a small jetty has been built by the crew of the Jamestown. (H. N. 5–'80.)

46.—*Rockwell Island.*—This island, the center of which lies about N. $\frac{1}{2}$ W. 610 yards from the center of Wooded Island, is about 225 yards long on a line running NW. and SE. through the center of the island. It is wedge-shaped (when looking down upon it or from a bird's-eye view), the SE. extremity forming the point and its NW. side the base, which latter trends about N. by E. and S. by W. for a distance of 430 feet. (H. N. 5–'80.)

47.—*Survey Group.*—This is a name given to an important group of islands lying about ($\frac{1}{4}$) one-quarter mile NE. by N. from Signal-light Island, and on the right of the entrance to Whiting Harbor.

Several other islands of less importance have been named by the Jamestown surveying party, all of which will appear on the new charts when completed. (H. N. 5–'80.)

48.—*Changes in the names of principal islands.*

New names.	Name on U. S. Coast Survey charts.	Names on British Admiralty charts.
Beacon Group	Ekgalit-tch	Eckholm Islands.
Belknap Island	Ekgalit-tch (Southern Island)	Eckholm (Southern Island).
Liar Rock	False Rock	Liar Rock.
Thompson Island	Sandy Island	Galankin Island.
Beardslee Island	Kayaktch Island	Kayaik Island.
Survey Island	Sasedni Island	
Long Island	Long Island	Dolgay Island.
Russian Island	Bamdorotchnoi	Bamdo-roshni.
Whalebone Island	Whalebone Island	Quitoway Island.
Luce Island	Emheleni	Emgayten Island.
Ship Island*	Error Island	Oshinpi.
White Island*		
Johnson Island*	Berry Island	
Hawley Island*	Boidarka	
Fasset Island*		
Entrance Island	The Twins	
Horney Island	Rogova Island	
Gull Island	Kukh-kan Island	Kuch-kan Island.
Turning Island	Turning Island	Povorotni.
Ball Island	Aleutski	Aleyoutski.
Harbor Island	Harbor	Gavanski Island.
Japan Island	Japanese Island	Yaponskoi Island.

*These five islands were formerly known, collectively, as a group, under the name of BOIDARKA ISLANDS by the U. S. Coast Survey, and KUTCHUMA ISLANDS by British Admiralty. (H. N. 5–'80.)

49.—*Tides.*—Corrected establishment of the port, XIIh. 30m.

Greatest diurnal range observed	14.70 feet.
Average diurnal range observed	10.16 feet.
Greatest rise above plane of reference	12.20 feet.
Average rise above plane of reference	8.92 feet.

(H. N. 5–'80.)

DIRECTIONS FOR ENTERING.

50.—*Eastern channel.*—The sailing directions for entering the Eastern channel, published in Hydrographic Notice No. 66 (475), are amended so as to read: After passing

Vitskari Island, steer NE. ½ N. until the beacon on Eckholm Island (Beacon Group) bears ENE., after which Eastern channel may be entered with safety. (H. N. 5–'80.)

51—*Middle channel.*—This channel is full of dangers, and the present charts are neither sufficiently accurate nor complete to indicate the route to follow in order to avoid them. It is therefore not recommended to strangers, but in case it is necessary to enter by this channel, the dangers in it will best be avoided by passing between Passage (Goloi) and Beardslee (Kayaktch) Islands, instead of between Passage Island and Surf Rocks (Goloi and Bolivnoi Islands,) or between Surf Rocks and Wooded Island (Bolivnoi and Mokhnatoi Islands), as indicated on the Admiralty charts. (H. N. 5–'80.)

52.—*Western channel.*—In navigating this channel care should be taken to avoid the shoal reported in Hydrographic Notice No. 66, of 1879, as lying SSW. ⅝ W. 465 yards from the east point (SE. extremity) of Wooded Island, which latter is now distinguished by a triangular pyramidal wooden beacon ; and also the shoal already mentioned as lying NNW., 300 yards from north extreme of Signal-light Island. (H. N. 5–'80.

53.—*Anchorage.*—With regard to the anchorage at Sitka, Commander Beardslee remarks that ordinary gales blowing from SE. and SW. outside are deflected to NE. and south, respectively, before reaching the inner anchorage. Very heavy SE. gales, however, are not deflected, but blow home with a force greater then is felt from any other direction.

Occasionally a heavy NE. gale sends through the valleys, which traverse the island from Silver Bay, heavy squalls from ENE.

For these reasons it is necessary to moor very securely, if it is contemplated to remain during the winter or for any considerable length of time.

54—*Moorings.*—The Jamestown after several trials was eventually moored in the western harbor with her head about E. by S., abreast of the Indian village to the westward of Sitka town, with the eastern extremity of Harbor Island bearing SE. ½ S. and the east point of Japan Island SSW. ⅝ W. The ship was moored as follows:

Starboard bower, with 75 fanthoms cable backed by 60 fathoms, the end of which was carried on shore and made fast to the big boulder on Harbor Island. (To the southeastward.)

Port bower, with 90 fathoms cable backed by 45 fathoms, the shore end of which was shackled into a Russian anchor fixed in the wharf. (To the eastward.)

Starboard quarter—sheet anchor, wite 60 fathoms cable backed by 75 fathoms, one end of which was carried ashore and made fast to a big boulder on Japan Island. (To the westward.)

Port quariers—sheet anchor, with 60 fathoms cable to the northwestward, from which direction tie mountains furnished a lee for the ship.

55. Commander Beardslee recommends the above anchorage to vessels visiting the harbor with the intention of remaining for some time, and suggests as a necessary provision against accidents that vessels be supplied with extra bowers, steam anchors and cables, because if any of these are lost they cannot be replaced in Sitka.

The hull of a vessel anchored in this position is well shelteted from the heavy squalls which rush through the gulch to the northward; inasmuch as they generally pass over the ship and strike the water some distance outside of her, the spars only catching the force of the squall, and for this reason it is well to send down all the upper spars when moored for some time. (H. N. 5–'80.)

(Courses and bearing magnetic. Variation 29° 00′ earterly in 1880.)

(Report of Commander Beaerdslee and Lieutenant Symonds, U. S. N., U. S. S. Jamestown, Sitka, December, 20 and December 1, respectively, 1879.)

This notice affects the following charts, &.:

British Admiralty, Nos, 2337, Sitka Soune, and 2348, Sitka or New Arkhangel.

U. S. Hydrographic Office, No. 705.

U. S. Coast Survey, Harbors of Alaska, No. 705.

"Alaska Coast Pilot," Part I (U. S. C. S., 1869), page 116 (36), page 118 (36*a*, 41, 42, 43, 44, 45, 46, 47, 48, 50 and 52), page 119 (37, 38, 39, 40, 51, 53, 54 and 55), page 120 (49).

By order of the Bureau of Navigation.

S. R. FRANKLIN,
Capuain U. S. N., Hydrographer to the Bureau.

U. S. HYDROGRAPHIC OFFICE,
Wahsington, D. C. January 30, 18·0.

(A copy of this notice will be sent, free of charge, to any ship-master on application to this office. The substance of this notice is to be inserted in red ink on the charts affected by it, and introduced into the margin, or otherwise in the page, of the Sailing Directions to which it relates.)

NOTICE TO MARINERS.

[No. 81.]

AMERICA, W. C.—ALASKA—SITKA HARBOR.

The following information, relating to the establishment of beacons on Vitskari and Mokhnatoi Islands, entrance to Sitka Harbor, constructed by the crew of the U. S. S. Jamestown, under the direction of Lieut. F. M. Symonds, U. S. N., has been received from Commander L. A. Beardslee, U. S. N., commanding U. S. S. Jamestown.

(430.) *Beacon on Vitskari Island.* (N. M. 81–'79.)

The beacon on Vitskari Island is a conical stone beacon, standing on a level surface of rock near the center of the island, 25 feet above high-water mark. It is 10 feet high, with a diameter of 20 feet at the base and 4 feet at the top.

A log or staff projects five feet above the beacon, the former being capped by a large stone, the upper extremity of which is about 16 feet above the rock, and 41 feet above high water.

At this altitude the beacon ought to be visible from an ordinary vessel's deck, on a clear day, a distance of about 11 miles.

(431.) *Beacon on Mokhnatoi Island.* (N. M. 81–'79.)

This beacon is constructed of heavy logs, in the form of a triangular pyramid, and situated on the summit of Mokhnatoi Island, at an elevation of 50 feet above the high-water mark. It is 19½ feet high, 20 feet wide at the base, and 2 feet wide at the top. Above the top of the beacon a staff projects 3½ feet, which, like the beacon on Vitskari, is capped by a large stone, the whole rising 22½ feet above the island, and about 72½ feet above high-water mark. At this altitude, on a clear day, the beacon will probably be visible from an ordinary vessel's deck a distance of about 15½ miles.

From the Mokhnatoi Beacon the following bearings were taken:

Vitskari Beacon	S. 35° 45′ W.
Mt. Edgecombe	S. 64° 30′ W.
St. Lazaria Island (SE. point)	S. 42° 30′ W.
Kutich Rock	S. 2° 00′ W.
Biorka Island (NW. point)	South.
Bouranoff (Bouronov) point	S. 31° 15′ E.
Rocky Hill	N. 58° 15′ E.

Directions.—Entering Sitka Harbor in a sailing vessel with the wind from the northwestward, it is advisable to give the Mt. Edgecombe shore a wide berth, as under the influence of that high land the wind is apt to fail and fall calm when the vessel is in the vicinity of Vitskari.

Biorka Island should be given a berth of at least 2½ miles.

In order to clear the sunken rocks to the westward of Biorka Island, keep the beacon on Vitskari Island bearing eastward of N. ½ E.; or, in other words, do not bring the beacon to bear to the northward of N. ½ E.

In entering the harbor leave the beacon on Vitskari to port ½ mile, then steer for Mokhnatoi Beacon, leaving it on the starboard hand in passing into the western channel.

(Bearings magnetic. Variation 28° 59′ easterly in 1879.)

Reports of Commander Beardslee and Lieut. Symonds, July 10, 1879.

This notice affects the following charts, &c.:

British Admiralty, Nos. 2683, 787, 2172, 2431, 2337, Sitka Sound, &c., and 2348 Sitka or New Arkhangel.

U. S. Hydrographic Office, No. 527, North Pacific Ocean, Sheet II.

Sailing directions:

"Coast Pilot of Alaska" (U. S. C. S., 1869), page 118.

By order of the Bureau of Navigation.

S. R. FRANKLIN,
Captain, U. S. N., Hydrographer to the Bureau.

U. S. HYDROGRAPHIC OFFICE,
Washington, D. C., August 14, 1879.

(A copy of this notice will be sent, free of charge, to any ship-master on application to this office. The substance of this notice is to be inserted in red ink on the charts affected by it, and introduced into the margin, or otherwise in the page, of the Sailing Directions to which it relates.)

HYDROGRAPHIC NOTICE.

[No. 97 of 1880.]

The following information in regard to the inside passages north of Sitka is furnished by Commander L. A. Beardslee, U. S. Navy, commanding the U. S. S. Jamestown. The reconnaissance was made by Master G. C. Hanus, of that vessel, during the present year:

NORTH AMERICA—NORTHWEST COAST—ALASKA—NEVSKI STRAIT.

919.—*Whitestone Narrows.—Directions.*—If bound to the northward, when the rocky islet known as the Whitestone, which is uncovered at all stages of the tide, is in plain sight, stir for the passage to the right or eastward of it and head half-way between it and the shores of Baranoff (Baranov) Island. When near the rock, say at a distance of 100 yards, haul close in for the point on the eastern side of the passage and hug it until the cove just to the eastward is well open.

To the northwestward of Whitestone islet sunken rocks and kelp beds extend for a quarter of a mile. The kelp forms an excellent guide, but must be avoided throughout its entire extent, as there is a sunken rock with only two feet on it at low water, about 300 yards to the westward of the Whitestone. Next avoid the sand spit at the mouth of a stream a short distance to the northward and westward of the cove, and when opposite the northern and western end of the large kelp patch haul over for the center of the channel, giving the western shore the preference during the remainder of the passage through Nevski Strait.

The flood-tide at Whitestone ledge runs to the southward and eastward and the ebb to the northward and westward. (H. N. 97–'80.)

KLOKATCHEFF GULF (KLOKACHEVA SOUND).

920.—*Directions.*—Wishing to enter the gulf from seaward, keep anywhere near the middle of the entrance, giving the preference to the north shore, and steer in without fear until close up to the high bluffs on Baranoff Island, seeking anchorage in Whitestone narrows. All dangers on the northern shore of the gulf are exposed. This information was furnished by the Russian pilots. (H. N. 97–'80.)

POGIBSHI CHANNEL, OR PERIL STRAIT.

921.—*Wyanda Rock.*—The islet shown on B. A. Chart No. 2337 to the northward of Poroga Island, near the entrance to Suloia Bay, has a shoal of sunken rocks extending from it to the northward for several hundred yards, and about one-third of a mile N. by E. from the islet there is a detached sunken rock which never uncovers, and which is known as Wyanda Rock, the revenue cutter of that name having struck pon it.

Directions.—Between Wyanda Rock and a rock always out of water (off Lesnoi Island) there is a clear passage several hundred yards wide. From this latter rock detached sunken rocks extend SSE. into the channel for nearly two hundred yards.

The strong tidal currents here cause rapids, the whirlpools and eddies of which render it all times a difficult passage, and vessels always wait for a favorable stage of tide to go through.

After passing Deep Bay the best channel will be found inside of small islands, which are noted on the chart off the prominent point to the northward of Deep Bay. This group consists of three wooded islands and a bare rock. Leave them all to the eastward and pass between them and Tchitchagoff (Chichagov) Island. (H. N. 97–'80.)

(Bearings magnetic. Variation 31° easterly, in 1880.)

922.—*Rock.*—The rock laid down on the chart just to the southward of this group of islands is not believed to exist, but there is a dangerous rock, which is out of water at extreme low tide, to the eastward of the bight on the largest island. (H. N. 97–'80.)

923.—*Favorite Anchorage.*—A good anchorage can be found close in under the shore of Baranoff Island, near Nismenya (Low) Point, about half a mile to the southward of Otstoia (Distant) Island, in from 7 to 12 fathoms of water. The holding ground is excellent, the bottom being blue mud or clay.

This anchorage affords excellent shelter from SE. around to NNW., the hills being high. From SW. around to NNW. the wind draws down the strait and through the

inlets, making it a lee shore, but no heavy sea need be expected. To this harbor the name of Favorite Anchorage was given.

There is also an anchorage, formerly much used by Russian vessels, in the bight shown on B. A. Chart No. 2337, to the northward and eastward of Nismenna, or Low Point. A vessel can anchor there in from 10 to 15 fathoms of water, bottom soft mud, and find good shelter in southerly gales. The holding ground, however, is not so good as at Favorite Anchorage. (H. N. 97–'80.)

(Bearings magnetic. Variation 31° easterly in 1880.)

924.—*Cozian Rock.*—In getting under way from Favorite Anchorage bound to Chatham Strait a good channel, with 7 fathoms water, will be found between Otstoia Island and Nismenna Point, keeping close to the island to avoid the sand spit which makes out from the point. A dangerous rock, which breaks in rough weather and which has not been heretofore located, was found, but having no tide-gauge it is impossible to state the exact depth of water on it. The probable depth is three feet at low water.

Angles were taken to locate the exact position of this rock, but the points on the charts are so inaccurately laid down that it is difficult to plot it exactly, but it lies about N. by E. from the eastern end of Otstoia Island, distant from one-half to three-quarters of a mile.

It is so near the middle of the channel heretofore given on the charts that several vessels have struck upon it. The Russian steamer Nicholas struck on it in 1854, and the schooner Nellie Eads and steamer Gussie Telfair both struck on it in 1875. By passing through the channel between Otstoia Island and Nismenna point all danger from this rock is avoided.

This rock was called Cozian Rock, after the Russian pilot who reported it. (H. N. 97–'80.)

(Bearings magnetic. Variation 31° easterly in 1880.)

925.—*McClellan Rock.*—Off the eastern point of the anchorage known on the charts as Lindenberg Bay there is a rock, covered at high water, not hitherto laid down. It bears S. by E. from the point, distant about one-fifth of a mile. There is a channel with 7 fathoms of water inside the rock.

This rock was reported by Lieutenant McClellan, who sounded the passage on a trip to Chilcat in May, 1880, and it has been called McClellan Rock. (H. N. 97–'80.)

(Bearings magnetic. Variation 31° easterly in 1880.)

CHATHAM STRAIT.

926.—*Point Graven.*—The point of Tchitchagoff Island, at the junction of the waters of Peril Strait with those of Chatham Strait, isknown on the charts as Point Graven. Off this point there is a very large reef, marked on B. A. Chart No. 2337. This reef does not exist, but there are two rocky islets off the point, with deep water a few hundred yards outside of them. (H. N. 97–'80.)

927.—*Morris Reef*, so named by the Jamestown party, is a very dangerous reef, not on any chart. It makes out into Chatham Strait from one to one and a half miles in an E. by S. direction from the point on the northern side of the entrance into a cove or inlet just to the northward of Point Graven.

Off this point, to which the name of Point Hayes has been given, there is first a ledge of rocks, uncovered at low water, then a small wooded island, and then a reef of sunken rocks; about a quarter of a mile from the island there is a rock always out of the water. The remainder of the reef consists of numerous detatched rocks with passages between them, many of the rocks showing at low water.

About one mile northward of the point another reef of detached sunken rocks makes out from the shore and runs towards Morris reef. Russian pilots state that this point should not be approached closer than one and a half miles. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

928.—*Kootznahoo Roads and Koteosok Harbor.*—Entering Koteosok Harbor from Kootznahoo Roads, from 4½ to 5 fathoms can be carried at low water. Two lines of soundings were run at this stage of the tide, and the greatest depth was shown to be 5 fathoms. The shoal off Shelter Point runs further into the channel, and that off Bluff Point, at the mouth of Koteosok Creek, is not so extensive as formerly shown. The shore line of Koteosok Harbor runs further back than heretofore delineated, and a rock which uncovers at low water has been located. From this rock Shelter Point bears W. by N., distant two-thirds of a mile.

A new trading post has been lately established at Koteosok Harbor. (H. N. 97–'80.)

(Bearings magnetic. Variation 31° easterly in 1880.)

TENAKEE, OR SIWASH CANAL.

929.—*Description.*—The information in regard to this passage (which is navigable by canoes only) was received from Major Berry, formerly collector at Sitka, and his statements were fully confirmed by the Hoonah Indians.

Four or five miles from Hoonah there is a portage of about one hundred and fifty steps at high water and about thirty at low water.* The highest point of the portage is about fifteen feet above high-water mark.

This passage is much used by the Hoonah Indians. Half-way up there are hot sulphur springs, and near these an Indian village. The arm of water opposite this village extends in a southerly direction towards Hoonah Sound in Peril Straits, from which it is separated by high land, the distance from water to water being about five miles. (H. N. 97–'80.)

930.—*Swanson's Harbor.*—This harbor has apparently three entrances on the Cross Sound side, but two of them are false, being obstructed by sunken rocks and sand bars. Outside of these there are sunken rocks extending off shore from a mile to a mile and a half; many of these rocks are uncovered at low water.

The true entrance to this harbor is the one nearest to Point Couverden. Off this point there is a small rocky islet, not hitherto charted, which bears about SE. by S. from Point Couverden, distant about one and a quarter miles.

Directions.—To enter Swanson's Harbor by the eastern and only safe entrance, the course from the rocky islet, leaving it to northward, is about west. Off the SE. point of Entrance Islandt a reef and sunken rocks make off a quarter of a mile or more; after passing these, steer for the center of the inner end of the harbor (about west), and anchor opposite the western entrance in from 8 to 10 fathoms water, soft, sticky bottom. (H. N. 97-'80.)

(Bearings magnetic. Variation 31° easterly in 1880.)

931.—*Point Couverden* is on an island, and there is a passage between Swanson's Harbor and Lynn Canal, but this was not examined owing to the short stay of the party.

"Sitka Jack," an Indian chief, and several families of his tribe have a summer settlement here. (H. N. 97–'80.)

CROSS SOUND, OR ICY STRAIT.

932.—*Spaskai Island.*—This island, laid down on the charts SW. by W. of Point Couverden, distant 4½ miles, does not exist. It is probably intended to represent the small rocky islet near the eastern entrance to Swanson's Harbor, which is visible from the anchorage, bearing east, referred to in paragraph 930 as being SE. by S. from Point Couverden. (H. N. 97-'80.)

(Bearings magnetic. Variation 31° easterly in 1880.)

933.—*Sister Islands.*—The islands N. by E. ½ E. from Point Sophia, distant from two and a half to three miles, are known as the Sister Islands. Off the southern end of the eastern island, at a distance of a quarter of a mile, there is a reef of rocks which uncovers at low water. (H. N. 97–'80.)

(Bearings magnetic. Variation 31° easterly in 1880.)

934.—*Northern shore.*—The Northern shore of Cross Sound is reported by pilots to be foul for a distance of from one to one and a half miles from shore, all the way from Point Couverden, twenty-two miles to the westward, to a large hitherto uncharted bay, to which the name of Glacier Bay was given.

The Indians, however, report that there are several safe anchorages along this shore. (H. N. 97–'80.)

935.—*Beardslee Islets.*—The point which appears on the charts in latitude 58° 24′ N., longitude 135° 50′ W., is undoubtedly intended to represent the southern point of a chain of islands which extends in a northwesterly direction up the center of Glacier Bay for about fifteen miles. As seen from Cross Sound they appear to divide the bay into two separate sheets of water.

They are known as Beardslee Islets, and there are saidto be hundreds of them, large and small, and, although they are called sand islands, many of them are high and covered with timber.

It is reported that there are deep channels and safe anchorages among them.

The southern point of these islands is not so far to the westward as represented on the charts.

The group of islands southeast of Glacier Bay is known by the name of the Pleasant Islands. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

936.—*Port Frederick Harbor—Directions.*—In running in from Cross Sound, coming from the eastward, after having passed point Sophia, a vessel can safely hug the shore of Tchitchagoff Island. At a distance of from two to three hundred yards from the shore no bottom could be obtained in 16 fathoms. Near the entrance to the harbor, a low, grassy island makes out from the shore, with a sand spit making off from the about one hundred yards, after which the water deepens suddenly. The point at the entrance to the harbor is a high bluff, the rocky walls of which are of a brownish-red

*Professor Muir, who has explored this region, confirms the statement of Mr. Berry that there is a portage, but places it much further from Hoonah.

†The island forming the SE. side of the harbor.

color. After this is passed keep in the middle of the channel between Harbor Island and the shore of Tchitchagoff Island, and anchor in about 8 fathoms of water, soft, muddy bottom, off the Indian village. The holding-ground is excellent. (H. N. 97–'80.)

937.—*Halibut Rock.*—A rock which uncovers at low water, and which is believed by the pilots to be much n arer the channel than it really is, was examined. This rock bears SSE. ½ E. from the inner island on the western side of the entrance to Port Frederick Harbor, distant about two-thirds of a mile. This danger was given the name of Halibut Rock. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

938.—*Point Adolphus—Anchorage.*—After passing Point Adolphus bound to the westward an anchorage can be found in the second bight, in from 7 to 15 fathoms, soft mud. The first bight to the westward of Point Adolphus is but a curve in the shore.

The anchorage in the second bight is said to be secure in all except northwesterly winds. (H. N. 97–'80.)

939.—*Rocks.*—Opposite the inner part of the second bight there is a sunken rock about 150 yards from the shore, and off the point forming the western limit of this small bay and about two hundred yards from the shore there is a rock covered at high water.

Pilots report that there is also a rock which uncovers at low water off the next point to the westward, and that its distance from shore is one-eighth of a mile. From this point the land makes away to the southward, forming a large bight, to which the name of Mud Bay was given. (H. N. 97–'80.)

940.—*Mud Bay.*—The southern shore of this bay has the appearance of an immense sand spit, stretching in a curve from the eastern to the western shore of the bay. Entering from the northward and eastward the western shore will appear like a group of islands. The shore of the point, which will appear to be the outer island, is marked by large masses of white quartz, which resemble ice. A small island (Goose Island) lies just to the southward of this point, and at low water a reef between them uncovers nearly its whole extent.

There is an immense mud flat, with sounding varying from 4 to 7 fathoms water, about three-quarters of a mile to the eastward of the west shore of the bay.

Six fathoms water, mud bottom, was found about three-quarters of a mile from Goose Island.

The h:lding ground in Mud Bay is excellent.

On the 18th and again on the 19th August, 1880, a number of small icebergs in Cross Sound were in sight from the anchorage. (N. H. 97–'80.)

941.—*Lemesurier Island—Willoughby Cove.*—Lemesurier Island is the large island to the westward of point Adolphus and to the northward and westward of Mud Bay. There are reefs off nearly all the points on the southeastern shore of this island.

The deep bight on the southern shore is known as Willoughby Cove.

A small sailing vessel or steamer can find an anchorage here in from 8 to 14 fathoms water, muddy bottom. The holding-ground is excellent.

The cove is open from SE. to NNE., and a very strong current sets by just outside, which creates strong eddies, bringing iceburgs in dangerous proximity to a vessel anchored too far out.

These eddies set towards a large bite just to the eastward of the cove, and on the 19th of August, 1880, much drift-ice had been washed on shore there, while a number of good-sized icebergs had grounded some distance from the shore. Mud Bay was free from ice. It is said that ice never enters Willoughby Cove. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

942.—*Reef.*—There is a dangerous reef off Iceberg Point, southern shore of Lemesurier Island, which uncovers for about a quarter of a mile from the shore at low water, and in rough weather it is said to break for at least another quarter of a mile further out. Lemesurier Island is moderately high and covered with timber. (H. N. 97–'80.)

GLACIER BAY.

943.—*Description and directions.*—This large sheet of water, which has not heretofore been charted, lies northwest of Point Adolphus, and extends in a northwesterly direction from the northern shore of Cross Sound.

To enter this bay from Cross Sound bound to the westward, when about two miles from Lemesurier Island steer about WNW. until you enter the bay, and then steer about W. by N., or for Willoughby Island, a high island which lies near the southern shore of Glacier Bay and about twelve or thirteen miles from its entrance.

In entering from seaward through the channel north of Lemesurier Island, when near the point where the waters of Cross Sound or Icy Strait unite with those of Glacier Bay, it will be necessary to give the northern shore of the former a wide berth, for at this point, which is low, a sand spit, not heretofore shown on the charts, makes out from the land about one and a half miles.

Before entering Glacier Bay strong tidal currents or eddies will be encountered,

especially to the northward and eastward of Lemesurier Island, and this part of Cross Sound is exceedingly dangerous for sailing vessels, since there is much thick weather and even in August, 1880, there was much ice, in the form of large floes or small icebergs, coming down from Glacier Bay. The tide here runs at least three knots an hour.

Near Willoughby Island there is an inlet on the southwestern shore of the bay. It has two entrances, but only the one farthest up the bay was examined.

Between the inlet and the bay, at this point, there is a bar about 100 yards wide, on the shoalest part of which there are 3½ fathoms at high-water, with deep water inside.

Several miles up this inlet there is a fishing village of Hoonah Indians.

Willoughby Island is said to be five or six miles long and from two to three miles wide. There is no timber in this section of the bay. From personal observation and from the information obtained from prospecting miners, Russian pilots, and Indians, a sketch of the bay was made.

In running up to the inlet near Willoughby Island, from Cross Sound, numerous casts of the lead were taken, with no bottom at 16 fathoms, the vessel running along the southern shore of Glacier Bay at a distance of from three-quarters to one-and-a-half miles.

Mr. Willoughby, a pioneer, who has explored the upper end of this bay, furnished the following information:

There are five immense glaciers at the upper part. The first, on the southern shore of the bay nearest Willoughby Island, is about half a mile wide and 150 feet high. The next is about three-quarters of a mile wide and 200 feet high. The third, known among the Indians as the "Great Glacier," is situated at the head of the bay, and is about one mile and a half wide and from 200 to 300 feet high. The fourth, on the northern shore of the bay, is about half a mile wide and 150 feet high; and the fifth and smallest is about half a mile wide and 50 feet high. Most of the ice seen in this bay and in Cross Sound comes from two of these glaciers; the sea washes under them, rots the ice, and pieces are constantly broken off.

The information which follows in regard to Glacier Bay was obtained from Prof. Muir, a gentleman who had lately visited the locality:

On the northern shore of Glacier Bay, north of Willoughby Island, there is a large inlet from three to four miles wide at its mouth. It runs to the northward and westward five miles, and at its head there is an immense glacier, which extends across the head of the inlet for a distance of about three miles. According to Prof. Muir this glacier is the grandest of all; ten miles back from its snout it is ten miles wide, and near this, its greatest width, sixteen branches of the first class unite to form one immense glacier. Four of the sixteen branches are each over two miles wide, and nearly all have tributaries.

The distance from the snout of the glacier to its farthest removed fountain is about forty miles.

The five glaciers described by Willoughby, Prof. Muir judges to be about one and a half miles wide each, except the second, which at its mouth is divided into two parts by a small island, each of the parts being about one mile and a half wide.

At the head of the little bay just to the westward of Willoughby Island, Prof. Muir reports another glacier. He believes that many of these glaciers furnish icebergs. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

LYNN CANAL.

944.—*Dangerous reef.*—Near the junction of the waters of Lynn Canal, Cross Sound, and Chatham Strait, there is a large reef covered at one-third flood tide. It lies three miles S. 58° E. from Point Couverden, and does not appear on any chart heretofore published. At low-water the highest part was seven or eight feet out of water. It consisted of a series of detached rocks extending at least a quarter of a mile to the eastward of the position occupied.

A vessel must not approach this reef nearer than a mile, for a strong two or three knot current sets right across it.

The instruments used for determining its position were the sextant and the surveyor's compass, and the conditions for observing were very favorable.

The position was obtained by laying all the angles down at the same time on a paper protractor and then plotting. According to this, Point Augusta cannot extend so far into Chatham Strait as previously represented, which confirms information obtained from pilots.

Most of the compass bearings, though carefully taken, are of no use whatever in connection with the determination of this reef, nor can they be until the points observed upon are correctly located. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

945.—*William Henry Bay*, which is an excellent harbor, is situated on the western shore of Lynn Canal, to the northward of Point Grant.

Directions.—Wishing to enter this harbor, keep from one-half to three-quarters of a mile from the western shore of Lynn Canal until abreast the entrance. This is necessary, as otherwise it is very difficult to recognize the harbor. Strangers will be aided in finding it by noting that the highest mountain in this vicinity, which has a rounded, bald top, without trees, is just to the northward and westward of the entrance.

When the bay has opened well, head in for the inner part of the bay, keeping in the middle until you pass the point at the eastern side of the entrance, after which select a berth at pleasure in from 9 to 13 fathoms water, soft, muddy bottom.

Supplies.—Wood and water can be obtained here. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

946.—*Ralston Island—Reef.*—Captain Vanderbilt, of the NW. Trading Company's steamer Favorite, reports a reef out of water at half tide, about one mile NW. by N. of the small island just to the westward of Ralston Island.

Coming down from William Henry Bay to go down Stephens Passage inside of Lincoln Island, Captain Vanderbilt steered for Port Bridget in order to avoid this reef. He adds that at low-water the portion uncovered is fully a quarter of a mile long in a NW. by N. and SW. by S. direction.

Ralston Island and the small island just to the westward of it are about one mile and a half further to the westward than previously shown on the charts. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCOOT INLET.

947.—*Portage Bay—Directions.*—When abreast of Sullivan's Island haul over for the northeast shore of Lynn Canal, keeping about midway between it and the island, and afterward between it and Seduction Peninsula, until you open Portage Bay, where the NW. Trading Company have lately established a post. Keep about a quarter of a mile from the south shore of the bay and anchor near it in from 9 to 15 fathoms water, soft, muddy bottom. The water on the opposite shore is comparatively shoal and the holding-ground is not so good, the bottom being either of rock or sand.

Opposite this bay and to the northward and eastward of it there is a large inlet into which the Tyy'a River empties. This inlet is said to be navigable for large vessels for a distance of fifteen miles, and the river for ten more by canoes. From ten to fifteen miles up the Chilcoot River there is a village of eleven large houses, this being the principal settlement of the Chilcoot tribe. Across Seduction Peninsula, between the lower Chilcat village and the trading-post, there is an excellent trail, which the Indians use as a portage for their small canoes. (H. N 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCAT INLET.

948.—*Pyramid Harbor* is located on the southwest shore of Chilcat Inlet, and derives its name from a small pyramidal-shaped island about three-quarters of a mile distant, which bears about N. ¼ E. from the anchorage. This island can be readily recognized by its shape; it is bare of trees, and is the only island above Ventosa Island.

A short distance above Pyramid Island commence the flats and shoals which are formed by the quicksands of the Chilcat River. Although there may have been a channel for vessels of fifteen feet draught, as indicated on former charts, such is not believed by pilots to have been the case, and the channel which now exists is constantly changing its depth and location, small boats finding it difficult to keep in the channel at times.

In May, 1880, Lieut. McClellan searched ineffectually for several hours for a channel suitable for a launch drawing about three feet.

It is dangerous for any vessel to go beyond Pyramid Island without a local pilot.

There is an Indian village four miles above Pyramid Harbor.

Directions.—When abreast Seduction Point keep about in the middle of the inlet, giving the preference to the northeastern shore, as flats are said to make out from the opposite side.

After passing Ventosa Island haul over for the western shore of the inlet, and you will be aided in recognizing the harbor not only by the little sand island known as Pyramid Island, but by the old bed of a glacier, which from the deck of a vessel will appear like a sand spit. This is just to the southward of the anchorage.

Haul in for the bight and approach the shore boldly, anchoring in from 11 to 15 fathoms, soft mud.

The ho ding-ground is excellent.

On entering the harbor the high mountain which rises directly in rear of it, at an angle of about 35°, will cause the shore to appear much nearer than it really is. (H. N. 97–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

(Report of Master G. C. Hanus, U. S. N., U. S. S. Jamestown, Sitka, Alaska, Sept. 1, 1880.)

This notice affects the following Charts, &c.:

Hydrographic Office, Nos. 527 and 225, Southeast Coast of Alaska.

919 to 928 inclusive, 930, 931, 941, 942, 945, and 947.—No. 882, Anchorages and Passages in the waters of the SW. Coast of Alaska.

Coast Survey, No. 701, Northwest Coast of America.

British Admiralty, Nos. 2683, 787, 2172, and 2431, Port Simpson to Cross Sound, including Koloschensk Archipelago.

919 to 927, inclusive.—No. 2337, Sitka Sound.

Sailing Directions:

"Coast Pilot of Alaska," Part 1 (U. S. Coast Survey), 1869, page 122 (919); page 123 (920); page 124 (921); page 125 (922 to 925 inclusive); page 100 (926 to 928 inclusive); page 104 (929 to 931 inclusive); pages 104 and 130 (932); pages 105 and 130 (933, 935 to 942 inclusive); pages 104 and 129 (934); page 104 (943); pages 105 and 108 (944 to 946 inclusive); and page 108 (947 and 948).

"North Pacific Directory," 2d edition (A. G. Findlay), 1870 page 467 (919 to 925 inclusive); pages 464 and 467 (926 and 927); page 464 (928); page 468 (929 to 931 inclusive); pages 469 and 470 (932 and 933); page 470 (934 to 942 inclusive); page 471 (943); pages 464, 465, 466, 468, and 470 (944); and pages 465 and 466 (945 to 948 inclusive).

"Directory for Behring's Sea and the Coast of Alaska" (A. G. Findlay), 1869, page 60 (919 and 920); page 45 (921 to 927 inclusive); page 47 (928 and 930 to 933 inclusive); page 49 (929 and 934 to 943 inclusive); and page 42 (944 to 948 inclusive).

By order of the Bureau of Navigation:

J. C. P. DE KRAFFT,
Captain, U. S. N., Hydrographer to the Bureau.

U. S. HYDROGRAPHIC OFFICE,
Washington, D. C., December 18, 1880.

(A copy of this notice will be sent free of charge to any ship-master on application to this office. The substance of this notice is to be inserted in red ink on the charts affected by it, and introduced into the margin, or otherwise in the page, of the Sailing Directions to which it relates.)

HYDROGRAPHIC NOTICE.

[No. 98 of 1880.]

The information contained in the following notice is furnished by Commander Henry Glass, U. S. N., commanding U. S. S. Jamestown. The reconnaissance and surveys were made by Lieut. F. M. Symonds, of that vessel, during September of the present year:

NORTH AMERICA—NORTHWEST COAST—ALASKA—BARANOFF ISLAND.

949.—*Rubia (Fish) Bay—Shulze Cove.*—(See sketch.)—Schulze Cove is about two and a half miles from the southern entrance to Peril Strait and is on the northern shore of Rubia (Fish) Bay.

The entrance, as well as the cove itself, is free from all visible dangers.

The Russian steamers formerly used this cove as a shelter from southeasterly gales, anchoring off the northern and western shore of Piper Island. In approaching that island avoid the sand spit extending from it to the northward and westward, and anchor just to the northward and westward of the spit.

The holding-ground is good. (H. N. 98–'80.)

(Bearings magnetic. Variation, 30° easterly in 1880.)

CHICHAGOFF ISLAND—TENAKEE OR SIWASH CANAL.

950.—*Hoonah (Hoonyah) Harbor.*—(See sketch.)—The general directions for approaching Entrance Point after passing Sophia Point will be found in Hydrographic Notice, No. 97 (936) of 1880.

To the northward and westward and close to Entrance Point there is a pinnacle-shaped rock forty feet in height, which has upon it a few stunted hemlock trees. Within fifteen yards to the westward of it there are 6 fathoms of water, and in the small bight E. by N. from it there is a perpendicular wall of bare rock one hundred and fifty feet in height.

Having brought Entrance Point to bear NE., enter the harbor and anchor, without fear of dangers, opposite the Indian village, avoiding too near an approach to the sand spit just to the easward of Entrance Point.

The holding-ground is excellent, being sticky mud. The shores of this harbor are thickly covered with hemlock and rank vegetation and are high.

To the eastward of Entrance Point the hills slope in either direction, northward and westward and southward and eastward, from a height of about 300 feet to a height of about 150 feet at Entrance Point, and 60 feet at about one mile to the southward and eastward of the village.

Pitt Island is low and thickly covered with trees.

Between Green Island and False Points is the entrance to a large bay, which has the appearance of a good, snug anchorage. One line of soundings, showing plenty of water, was run across the entrance. (H. N. 98–'80.)

(Bearings magnetic. Variation, 30° easterly in 1880.)

LYNN CANAL.—(See chart.)

951.—*Point Couverden.*—The rocks to the northward and westward of this point, which were incorrectly placed on former charts, have been correctly located. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

951*a*.—*The Sisters.*—The relative position of these islands has been corrected, and a small island and a rock, not previously charted, discovered to the southward and westward of them. (H. N. 98–'80.)

952.—*Vanderbilt Reef.*—Lieut. Symonds passed close to this reef, both on its eastern and western sides, at low water, and located it. He, however, recommends giving it a good berth to the northward.—(See Hydrographic Notice, No. 97 (946) of 1880.) (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

953.—*Point Whidbey.*—On the northern side and close to this point there are several islands not previously shown on the charts. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

954.—*Endicott River.*—About three and three-quarter miles to the northward and westward of the entrance to William Henry Bay is a river to which the above name was given. Its mouth is filled with sand bars and the channel at the entrance is only about fifty feet in width. The river itself was not examined. (H. N. 98–'80.)

FAVORITE CHANNEL.—(See chart.)

955.—*Directions.*—The course through this channel, as marked on the accompanying chart, is free from all dangers and cannot be mistaken. The chart is complete as far as regards all visible dangers at low water.

Entering from the northward and westward, keep well over towards Point Bridget to clear Vanderbilt Reef until a SE. ¼ S. course will take you through in mid-channel between Lincoln and Sentinel islands.

The sunken rock laid down on the old charts near Shelter Island, in this channel, may exist, but Lieut. Symonds passed at low water very near, if not over its position, in a steamer drawing 11 feet of water.

The channel was found to be clear until George Rock was reached. When passing to the eastward of this rock keep well over towards Spuhn Island after passing Point Louisa. A good anchorage may be found in the neighborhood at Fritz Cove, Douglass Island. (See 957.) (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

956.—*Shelter and Portland Islands.*—These islands were found to be incorrect, both in topography and position, on former charts, and were corrected as far as it was possible in passing on either side of them. (H. N. 98–'80.)

DOUGLASS ISLAND.

957.—*Fritz Cove.*—(See sketch.)—This cove is situated on the northwestern end of Douglas Island, in latitude 58° 19′ N., longitude 134° 47′ W.

On the western shore the land rises to a height of at least 1,500 feet, gradually sloping towards the center of the harbor to a height of 40 or 50 feet. The shore at the middle of the cove is low, and just back of the beach it is marshy. Entrance Point is about seventy-five feet high, and is covered with trees.

Directions.—In approaching the cove, keep about 100 yards distant from the northern and western shore of Douglass Island until opposite the middle of the entrance, and then steer a SSE. course to an anchorage, keeping at least 400 yards from Entrance Point. Anchor in 12 fathoms water. The anchorage of the Favorite (see sketch) was formerly that used by the Hudson Bay Company's steamers. The holding-ground is good, being sticky mud.

Tides.—The rise and fall of the tide observed was 14 feet. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

SAGINAW CHANNEL.—(See chart.)

958.—*Reef.*—Saginaw Channel contains a dangerous reef of rocks, lying about three-fourths of a mile to the westward of the southeastern end of Shelter Island. This reef is not laid down on former charts and is the only hidden danger.

Directions.—Coming from the westward, after passing the rocks off Barlow Point, Rocky Point will be seen extending well to the eastward and just covering the southwest end of what appears to be an island, but which is a part of the point itself. Keep well over towards Rocky Point until the dangerous reef mentioned above is passed, after which the channel is clear. When off this reef, Portland Island is seen to the southward and eastward of it. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

959.—*Point Retreat.*—A reef extends W. by N. from this point about one-third of a mile. Point Retreat should be given a berth of half a mile in passing. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCAT INLET AND RIVER.—(See chart.)

960.—*Portage.*—The portage between Portage Bay and Chilcat Inlet is one and a half miles in length. The divide is low, with a gentle rise from the bay. On the eastern side the soil is a rich loam, adapted to the cultivation of grass and the hardier vegetables, and covered with evergreen trees and a deciduous growth of birch and cottonwood. Passing from the eastern side to the middle of the divide, the soil becomes thin and marshy and necessarily colder, as it has not the southeastern exposure of the eastern slope. On the western side large patches of swamp grass, a bluish clay soil, and then granite mud were found. The mouth of the Chilcat River opposite this point is about five and a half miles wide. (H. N. 98–'80.)

961.—*Description.*—Portage Point, where canoes were taken for Tondustek, the first Chilcat village, is about a mile to the southward and westward of the western end of the portage.

The party embarked at half-flood. Snags and patches of sand were visible in many directions, and it required, under sail, very careful handling to keep in even two feet of water. A careful examination of the mouth was made for quicksands, but none were discovered. Indians were observed on the sand flats in the center of the river spearing salmon, but none of them had any knowledge of the existence of quicksands in the river.

Tondustek is to the eastward of and close to Ranch Point. This village has sixteen houses and a population of 171 Indians. Two chiefs hold sway; the elder and head, Donawauk (Silver-gray), being about fifty years of age, and tall and noble-looking, with Caucasian features. Kacky, the other chief, is young and good-looking, being particularly notorious for his unscrupulous dealings and quarrelsome disposition.

The village is on a wide, grassy, alluvial flat, having for its background a bold granite mountain, whose precipitous peak was streaked in a remarkable manner by slides of bright slaty granite, sand and gravel, while lower down were shrubs and bushes of bright yellow and crimson shades, deciduous growth, and woods of dark evergreen. The village was noticeably clean.

After leaving this village a course was shaped up the river, and, although an opposing current of at least four miles an hour was encountered, good progress was made, the breeze being fresh from the southward and eastward.

The course from the village was SW. Two miles from the village precipitous mountains, 2,000 feet in height, rose on either hand. The timber on the mountains gradually changes, deciduous trees taking the place of the evergreens, and bushes replacing the larger trees, until, at about ten or fifteen miles from the mouth of the river, the mountain sides are brightly mottled with yellow and orange. On the southeastern side of the river the rugged and serrated mountain crests, covered with snow, appear cheerless and uninviting.

About five miles SW. by S. from Tondustek, up the valley of a stream called Takheen (Hindmost River), is the Bertha glacier, resting on a southern mountain slope and reaching nearly to the surface of the river. It is precipitous in its descent and has a double snout, occasioned by a huge mass of rock near its medial moraine. The ice is very clear and white. The mountains which feed this glacier are of the same

group which supply the Davidson glacier and the many small glaciers which spring into view on the southwestern shore of Lynn Canal.

At 1.45 p. m. September 27, 1880, Tondustek bearing NE., 7½ miles distant, the course was altered to west. Sand-bars just awash were continually met, and the average depth in the channel was only two feet. In altering the course Spuhn Point was rounded. The river at this point is one and a half miles in width. The flats opposite Spuhn Point extend out for nearly a mile from the southwestern bank of the river. The temperature of the water at this point was 46° Fahr., the air being 53°.

At 2.30 p. m. the canoe was off Vanderbilt Point, which bears west from Spuhn Point, distant 2½ miles. The general course was now WNW.

Leaving Vanderbilt Point, the mud and sand flats, which fill the lower part of the river, were left behind, and numerous low flat islands were met with. These islands, covered with alder, willows, birch, and cottonwood, inclose the shallow channels, while great stretches of barren gravel and sand flats, with sloughs and pools, fill the intervening spaces between the islands.

The current is rapid and increases in proportion as the channel between the islands narrows, running at times five or six miles an hour.

As the party progressed the average width of the river was one mile, and the general course was gradually altered to W. by N.

At 6.30 p. m. the canoe reached Camp Point, which is half a mile SE. of Kutkwutlu (Gull's place) and sixteen and a half miles from the mouth of the river.

On the morning of the 28th the course was continued up the river, and Kutkwutlu was soon reached.

This village, the second from the river's mouth, is very dirty, and consists of eleven houses with a population of 125 Indians. There is no head chief at this place.

From Camp Point the north bank of the river trends a little to the northward and then to the northward and westward to Chilcat Point, at the upper extremity of Klukquan village (Old town).

The river is here two miles wide and is alive with salmon. The cliffs on the banks are about 2,000 feet in height.

Klukquan, the main Chilcat village, bears W. by N. from Camp Point, distant 3 miles. It contains sixty-five houses and a population of 558 Indians.

From this village the voyage was continued up the Taheen (King Salmon) River, which was entered after rounding Chilcat Point. At 11.15 the party was off Glass Point, which bears WNW. ¼ W. from Chilcat Point, distant two and a half miles. Glass Point extends out nearly to the center of the river valley. The river is here two miles in width and its general direction is WNW.

At 12.20 p. m., Glass Point bearing S. by E., six miles distant, the trip up the river was discontinued at a point S. by E., a quarter of a mile from Jamestown Point.

Nearly west of Klukquan village is a point on which is Chilcat Peak, 4,000 feet high. It is at this point that the Taheen, flowing from WNW., and the Kluheeny (Dog-salmon), from SW. by W., meet. No information could be obtained as to the source of the last-named river. The Taheen is the outlet of Kousouah (Long) Lake, which, from Indian reports, is about 30 miles from Klukquan. On the Taheen, fourteen miles from the lake, there are falls 60 feet in height.

Into the Taheen, thirteen miles from Klukquan, empties the Kaätl River, flowing from the northward. This latter is a small river and is not navigable for canoes.

About three miles south of Klukquan is Chilcat Lake, which extends about six miles NW. and SE.

From every indication on the banks of the Chilcat River, Lieut. Symonds concludes that during the spring and summer freshets the river never rises more than two feet above its level in September, which rarely exceeds three feet in the deepest part of the main channel. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCOOT INLET.—(See chart.)

962.—*Deyea River*.—The Deyea River, the outlet of Chilcoot Lake, is small and shallow and navigable only for canoes. The main village, called Tananei (Salmon Leaf), is at the junction of this river with the lake. It contains eight houses and has a population of 127 Indians. At the mouth of the river there is an Indian hunting village containing three houses.

ENE. from the mouth of the river there is a small glacier, and E. by N. from the same point is the entrance to Tyya Inlet, which extends in a northerly direction to the mouth of a river of the same name. This river is navigable for canoes only.

The northeastern side of Chilcoot Inlet is incorrectly placed on Commander Meade's chart, but want of time prevented Lieut. Symonds from obtaining sufficiently reliable data to place it correctly.

The loftiest mountain peak, just to the southward of Tyya Inlet, was found by barometric measurement to be 3,700 feet high.

Directions.—In approaching the cove, keep about 100 yards distant from the northern and western shore of Douglass Island until opposite the middle of the entrance, and then steer a SSE. course to an anchorage, keeping at least 400 yards from Entrance Point. Anchor in 12 fathoms water. The anchorage of the Favorite (see sketch) was formerly that used by the Hudson Bay Company's steamers. The holding-ground is good, being sticky mud.

Tides.—The rise and fall of the tide observed was 14 feet. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

SAGINAW CHANNEL.—(See chart.)

958.—*Reef.*—Saginaw Channel contains a dangerous reef of rocks, lying about three-fourths of a mile to the westward of the southeastern end of Shelter Island. This reef is not laid down on former charts and is the only hidden danger.

Directions.—Coming from the westward, after passing the rocks off Barlow Point, Rocky Point will be seen extending well to the eastward and just covering the southwest end of what appears to be an island, but which is a part of the point itself. Keep well over towards Rocky Point until the dangerous reef mentioned above is passed, after which the channel is clear. When off this reef, Portland Island is seen to the southward and eastward of it. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

959.—*Point Retreat.*—A reef extends W. by N. from this point about one-third of a mile. Point Retreat should be given a berth of half a mile in passing. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCAT INLET AND RIVER.—(See chart.)

960.—*Portage.*—The portage between Portage Bay and Chilcat Inlet is one and a half miles in length. The divide is low, with a gentle rise from the bay. On the eastern side the soil is a rich loam, adapted to the cultivation of grass and the hardier vegetables, and covered with evergreen trees and a deciduous growth of birch and cottonwood. Passing from the eastern side to the middle of the divide, the soil becomes thin and marshy and necessarily colder, as it has not the southeastern exposure of the eastern slope. On the western side large patches of swamp grass, a bluish clay soil, and then granite mud were found. The mouth of the Chilcat River opposite this point is about five and a half miles wide. (H. N. 98–'80.)

961.—*Description.*—Portage Point, where canoes were taken for Tondustek, the first Chilcat village, is about a mile to the southward and westward of the western end of the portage.

The party embarked at half-flood. Snags and patches of sand were visible in many directions, and it required, under sail, very careful handling to keep in even two feet of water. A careful examination of the mouth was made for quicksands, but none were discovered. Indians were observed on the sand flats in the center of the river spearing salmon, but none of them had any knowledge of the existence of quicksands in the river.

Tondustek is to the eastward of and close to Ranch Point. This village has sixteen houses and a population of 171 Indians. Two chiefs hold sway; the elder and head, Donawauk (Silver-gray), being about fifty years of age, and tall and noble-looking, with Caucasian features. Kacky, the other chief, is young and good-looking, being particularly notorious for his unscrupulous dealings and quarrelsome disposition.

The village is on a wide, grassy, alluvial flat, having for its background a bold granite mountain, whose precipitous peak was streaked in a remarkable manner by slides of bright slaty granite, sand and gravel, while lower down were shrubs and bushes of bright yellow and crimson shades, deciduous growth, and woods of dark evergreen. The village was noticeably clean.

After leaving this village a course was shaped up the river, and, although an opposing current of at least four miles an hour was encountered, good progress was made, the breeze being fresh from the southward and eastward.

The course from the village was SW. Two miles from the village precipitous mountains, 2,000 feet in height, rose on either hand. The timber on the mountains gradually changes, deciduous trees taking the place of the evergreens, and bushes replacing the larger trees, until, at about ten or fifteen miles from the mouth of the river, the mountain sides are brightly mottled with yellow and orange. On the southeastern side of the river the rugged and serrated mountain crests, covered with snow, appear cheerless and uninviting.

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group which supply the Davidson glacier and the many small glaciers which spring into view on the southwestern shore of Lynn Canal.

At 1.45 p. m. September 27, 1880, Tondustek bearing NE., 7½ miles distant, the course was altered to west. Sand-bars just awash were continually met, and the average depth in the channel was only two feet. In altering the course Spuhn Point was rounded. The river at this point is one and a half miles in width. The flats opposite Spuhn Point extend out for nearly a mile from the southwestern bank of the river. The temperature of the water at this point was 46° Fahr., the air being 53°.

At 2.30 p. m. the canoe was off Vanderbilt Point, which bears west from Spuhn Point, distant 2½ miles. The general course was now WNW.

Leaving Vanderbilt Point, the mud and sand flats, which fill the lower part of the river, were left behind, and numerous low flat islands were met with. These islands, covered with alder, willows, birch, and cottonwood, inclose the shallow channels, while great stretches of barren gravel and sand flats, with sloughs and pools, fill the intervening spaces between the islands.

The current is rapid and increases in proportion as the channel between the islands narrows, running at times five or six miles an hour.

As the party progressed the average width of the river was one mile, and the general course was gradually altered to W. by N.

At 6.30 p. m. the canoe reached Camp Point, which is half a mile SE. of Kutkwutlu (Gull's place) and sixteen and a half miles from the mouth of the river.

On the morning of the 28th the course was continued up the river, and Kutkwutlu was soon reached.

This village, the second from the river's mouth, is very dirty, and consists of eleven houses with a population of 125 Indians. There is no head chief at this place.

From Camp Point the north bank of the river trends a little to the northward and then to the northward and westward to Chilcat Point, at the upper extremity of Klukquan village (Old town).

The river is here two miles wide and is alive with salmon. The cliffs on the banks are about 2,000 feet in height.

Klukquan, the main Chilcat village, bears W. by N. from Camp Point, distant 3 miles. It contains sixty-five housés and a population of 558 Indians.

From this village the voyage was continued up the Taheen (King Salmon) River, which was entered after rounding Chilcat Point. At 11.15 the party was off Glass Point, which bears WNW. ¼ W. from Chilcat Point, distant two and a half miles. Glass Point extends out nearly to the center of the river valley. The river is here two miles in width and its general direction is WNW.

At 12.20 p. m., Glass Point bearing S. by E., six miles distant, the trip up the river was discontinued at a point S. by E., a quarter of a mile from Jamestown Point.

Nearly west of Klukquan village is a point on which is Chilcat Peak, 4,000 feet high. It is at this point that the Taheen, flowing from WNW., and the Kluheeny (Dog-salmon), from SW. by W., meet. No information could be obtained as to the source of the last-named river. The Taheen is the outlet of Kousouah (Long) Lake, which, from Indian reports, is about 30 miles from Klukquan. On the Taheen, fourteen miles from the lake, there are falls 60 feet in height.

Into the Taheen, thirteen miles from Klukquan, empties the Kaätl River, flowing from the northward. This latter is a small river and is not navigable for canoes.

About three miles south of Klukquan is Chilcat Lake, which extends about six miles NW. and SE.

From every indication on the banks of the Chilcat River, Lieut. Symonds concludes that during the spring and summer freshets the river never rises more than two feet above its level in September, which rarely exceeds three feet in the deepest part of the main channel. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCOOT INLET.—(See chart.)

962.—*Deyea River.*—The Deyea River, the outlet of Chilcoot Lake, is small and shallow and navigable only for canoes. The main village, called Tananei (Salmon Leaf), is at the junction of this river with the lake. It contains eight houses and has a population of 127 Indians. At the mouth of the river there is an Indian hunting village containing three houses.

ENE. from the mouth of the river there is a small glacier, and E. by N. from the same point is the entrance to Tyya Inlet, which extends in a northerly direction to the mouth of a river of the same name. This river is navigable for canoes only.

The northeastern side of Chilcoot Inlet is incorrectly placed on Commander Meade's chart, but want of time prevented Lieut. Symonds from obtaining sufficiently reliable data to place it correctly.

The loftiest mountain peak, just to the southward of Tyya Inlet, was found by barometric measurement to be 3,700 feet high.

There is reported to be plenty of water and good holding-ground in Tyya Inlet, to the mouth of Tyya River, but no harbor.

A mid-channel course up either Chilcat or Chilcoot Inlet shows that both are in error at least one point, as they trend that much more to the westward than shown on the charts. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCAT, CHILCOOT, AND INTERIOR TRIBES.

963.—*Description.*—These tribes are all of the general classification group of Thlinkits.

The whole region possessed by them is called Kunana, and its inhabitants Kunaäni. One group of tribes, called Alitsch (which is their word for "people"), consists of six small tribes, viz: Tagesh (living nearest the coast), Kluhtane, Netlatsin, Tahtlin, Klukha, and Tahho.

To the northward of this group is another group. Their name for people is Tinteh, which gives the name to this group of four tribes.

There also appears to be a tribe, or group of tribes, bearing the name Tenneh.

The above information was obtained from old Chilcat and Chilcoot traders, who visit the northern inland country yearly to trade with the interior tribes.

These interior tribes, especially the Alitsch, receive their goods from the traders, who cross the divide, passing first over the mountains to the Tyya River, then ascending it to the glacial region, crossing from thence by a gap, and descending on the northern side into the bleak, soft, bush region. They barter with the Indians for their furs, and being in possession of the market values, the trade is a remarkably lucrative one to the traders. They look upon these interior tribes as tributary to them, and prevent them from visiting the coast by stories of the dangers of the route and by threats of violence.

The Northwest Trading Company rendered Lieut. Symonds valuable assistance in the prosecution of his work. It has established a trading post at Portage Bay, Chilcoot Inlet, and the Presbyterian Mission has taken steps for the immediate construction of a mission school and church near the same place. (H. N. 98–'80.)

(Reports of Lieut. F. M. Symonds, U. S. N., Sitka, Alaska, October and November, 1880.)

This notice affects the following Charts, &c.:

Hydrographic Office:

949 to 962, inclusive.—Nos. 527 and 225, southeast coast of Alaska.

Coast Survey:

949 to 962, inclusive.—No. 701, Northwest Coast of America, Sheet II.

British Admiralty:

949 to 962, inclusive.—Nos. 2172, 787, and 2431, Port Simpson to Cross Sound, &c.

949.—No. 2337, America, Northwest Coast, Sitka Sound.

Sailing Directions, &c.:

"Directory for Behring's Sea and Coast of Alaska" (A. G. Findlay), 1869, page 44 (949); page 45 (950); page 47 (951); page 42 (951*a* to 959, inclusive); page 43 (960 to 963, inclusive).

"Coast Pilot of Alaska," Part First (U. S. Coast Survey, 1869), pages 105 and 130 (949, 950, and 951*a*); pages 105 and 108 (951, 952, and 954); pages 106 and 108 (955, 956, and 958); page 106 (953) (957); page 105 (959); and page 108 (960 to 962, inclusive).

North Pacific Directory, 2d edition (A. G. Findlay), 1870, page 467 (949 and 950); page 468 (951); page 465 (951*a* to 954, inclusive, 956 and 958 to 963, inclusive); pages 465 and 466 (955); and page 469 (957).

By order of the Bureau of Navigation:

J. C. P. DE KRAFFT,
Captain, U. S. N., Hydrographer to the Bureau.

U. S. HYDROGRAPHIC OFFICE,
Washington, D. C., December 29, 1880.


137°
136°
135°
30'
59°
58°
57°
Kousouah Lake
Falls
Chilcat R.
Jamestown
Chilcat Pt.
Chilcat Inlet
Chilcat Lake
Chilkat Bay
Chilcat Village
Kluheen R.
Glass Pt.
Point Bridget
Kootznahoo Head, 300 ft. high
The Channels of the Chilcat are navigable for canoes and in Spring for small boats drawing from 2 to 4 ft. water. Salchounds do not exist, but there are strong currents. The mouth of the River is very shallow and only navigable for small boats. The Depot River, the outlet of Chilcat Lake, is small and shallow, navigable only for canoes.
CHILCAT MOUNTAINS
Glaciers of great height and bold scenery
Davidsons Glacier
White Mountains
LYNN CANAL
(Deep water throughout the Channel)
Pt. Sherman
Wm Henry Bay
Pt. St. Albans
Berners Bay
Pt. Bridget
Pt. Windham
Pt. Benjamin
Ralston Pt.
Eagle Glacier
Dome Peak
The Sisters
Pt. Retreat
Pt. Stephens
Glacier
Taylor Bay
Diomedes
Pt. Barnard
Ivy C.
Pt. Windledon
Pleasant I.
Icy Passage
Icy Strait
Beardsley Islands
BERNERS BAY
Pt. Adolphus
Sitka Bay
Sister I.
Pt. Sophia
Spaskai I.
Spaskai Pt.
Pt. Marsden
Snowy Mt.
Haanst
Pt. Lucan
Lisianski Str.
Port Althorp
Pt. Bingham
Cape Cross
Pt. Grey
Reported Passage
CHICHAGOFF ISLAND
Tenakee or Sitwash Canal
Hot Springs
Pt. Hepburn
Port Lockis Harb.
C. Edward
Indians report a passage for canoes from Basilaw to Cross Sound
Pt. Parker
Broad In.
Perils Str.
Deadman Bay
Poison Cove
Deep Bay
Fortuna Str.
Pt. Klokatcheff
Rubia Bay
Klokatcheff Gulf or Olga Gulf
Sioutchi Pt.
Sioutchi Cr.
Siopkoff
St. John the Baptist Gulf
Hallecks Ids.
Yakasana Creek
Deep Bay
Rocky Pt.
KRUZOF
Shelikova Gulf
Kottegana Bay
Old Sitka
Pt. Stream (Gavan)
Harbor Hill 800 ft.
Mt. Verstovia
SITKA
Spruce I. & C.
Sitka Pt.
Beaver Pt.
Mt. Edgecumbe 2866 ft.
Neva Bay
C. Edgecumbe
St. Lazarieks
Cupola Hill
Waterfall 300 ft.
Gorobmukov Cr.
Glonbokaia Lake
SITKA SOUND
Entrance in bad weather (S.E. Gate dangerous)
Kutchelof Bay
Makoroff Bay
BARANOFF ISLAND
Small Steeve (Maley Roukas)
Chart 225
Important Changes by
James Wm
in Coast and Inside
SEN. EX. DOC. No. 11, 1st SESS., 47th CONG.

No 704 PRICE 10 CENTS

SYMONDS BAY

SITKA SOUND

ALASKA

Surveyed in 1879 under the direction of

Commodore W. D. WHITING U.S.N. chief of the

BUREAU OF NAVIGATION

NAVY DEPAPTMENT

by the Officers of the U.S. Ship Jamestown

Comdr: L.A. Beardslee U. S. N. comdg.

Lieut. F. M. Symonds U.S.N.

Master G.C. Hanus U.S.N.

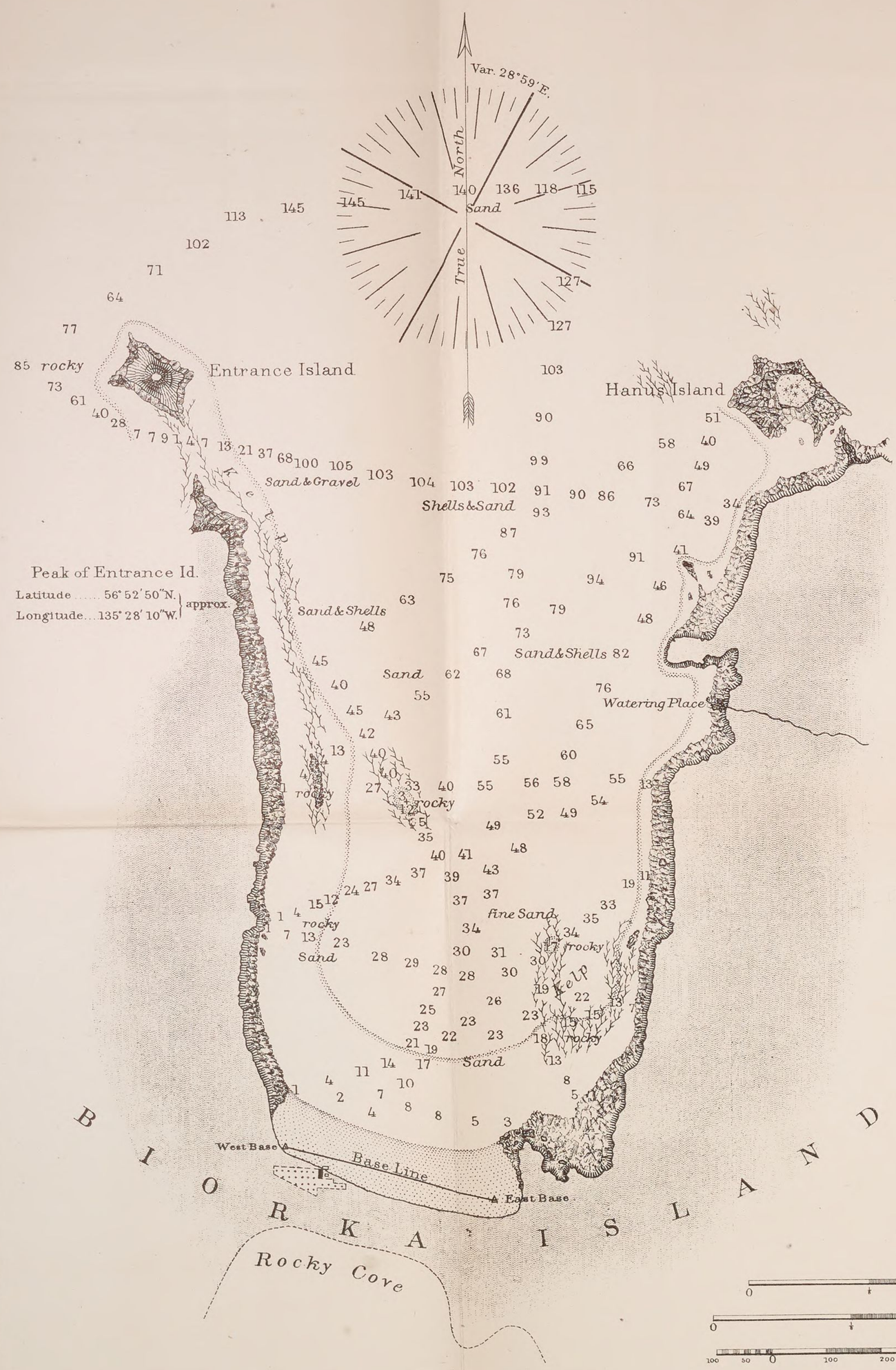
Published by the

U. S. COAST AND GEODETIC SURVEY

CARLILE P. PATTERSON SUPDT

March 1880

Scale $\frac{1}{7200}$



Soundings

The Soundings are expressed in feet and refer to mean low water limit of 18 feet.

Tides

Corrected Establishment Sitka Wharf	XII^h XXIV^m
Mean Rise and Fall of Tides	8.4 feet
Difference in height of highest High and lowest Low Water of same day, Average	10.4 "

Sailing Directions

With the exception of Rocky Patch to the Westward of Biorka Island, the approaches to the Bay are free from all dangers Entrance Island on the West side of the entrance, and Hanus Island on the East side of it mark distinctly the harbor.

On approaching them, clear Hanus Island by about 200 yards to the Westward, avoiding kelp patch which is to the Northward of that island, and head for the white sand beach, the centre of which will bear about S.S.E.

Anchor in 7 fathoms water. Avoid kelp which is on either shore of the harbor.

Holding ground good, and bay secure from all gales except perhaps those from W.N.W. to N. by E. which would blow directly into the bay.

Note: *Freshwater and wood in abundance.*

Scales

600 feet to one inch

0 — ⅛ — ¼ — ⅜ — ½ Statute Mile

0 — ⅛ — ¼ — ⅜ — ½ Nautical Mile

100 50 0 100 200 300 400 500 600 700 800 900 Yards

SEN. EX. DOC. No. 71, 1st SESS., 47th CONG.


Harbor Point
25
55
Mt. La Perouse
11300
Icy Cape
110
Cape Spencer
Pt. Whidbey
Pt. Wimbledon
Pt. Inundis
OR
Pt. Adolphus
ICY STRAIT
CROSS SOUND
Port Althorp
Pt. Lavinia
Pt. Bingham
Pt. Retreat
N. Barlow Cove
Icy Channel
Douglass I.
Pt. Saliabu
Pt. Couverden
Spaskaia Bay
Pt. Marsden
Pt. Angusta
Pt. Ardo
ADMIRALTY
CHICHAGOFF
ISLAND
Tenakee Canal
Iyoukeen Cove
Pavloff Hbr.
Portlock Hbr.
Cape Cross
Lisiansky Str.
Pt. Urey
Cape Edward
Pt. Parker
Peril Strait
Kootznahoo
Pt. Samuel
Hood Bay
BARANOF
ISLAND
Fish Bay
Salisbury Sound
St. John's Bay
Cape Georgiana
Krilzoff I.
Shelikoff Bay
Mt. Edgecumbe
2855
SITKA
Cape Edgecumbe
SITKA SOUND
Biorka I.
Bare I.
Necker Bay
Whale Bay
Pt. Gardner
Yasha I.
Pt. Kingsmill
Pt. Sul
Port Conclusion
Cape Ommaney
Hazy Ids.
6 P.M.
200
11.15 A.M.
2.15 A.M.
1 A.M.
Oct. 26/1880.
Track of the Hurricane
Var. 28° 30' E.
90

HYDROGRAPHIC OFFICE U.S.NAVY

Price 10 cents.

NORTH AMERICA — WEST COAST.

Reconnaissances in the Waters on the S.W. COAST OF ALASKA,

by Lieut.t F.M. Symonds, of the U.S. Ship "Jamestown" Com.dr Henry Glass, U.S.N Comdg. 1880

The Variations are for 1880

LYNN CANAL,

Chilcat River and Chilcoot Inlet.

Soundings in Fathoms.

Note.

The Channels of the Chilcat are navigable for canoes and in Spring for small boats, drawing 2 to 4 feet water. Quicksands do not exist, but there are strong currents; the mouth of the River is very shallow and only navigable for small boats. The Deyea River, (the outlet of Chilcoot Lake), is small and shallow and only navigable for canoes and small boats.

Kousouah or Long Lake

Falls

Taheen River

Yandt River

Jamestown P.t

Glass P.t

Chilcat P.t

Chilcat or Klukquan Village (558 Inhabitants, 65 Houses)

Kluheeny River

Kutkwuthu (125 Inhabitants, 11 Houses.) Camp P.t

Chilcat River

Vanderbilt Pt

Chilcat Lake

Spuhn P.t

Village P.t

Takheen R.r

Bertha Glacier

Chilcoot Lake

Deyea

Ferebee Glacier

Tananei or Chilcoot (127 inhabitants, 8 Houses)

Hunting Village

Tondusteki (171 Inhs. 16 do.)

Ranch

Portage P.t

Mc Clellan's Flats (bare at L.W.)

Portage

(See Ch.t 882)

Bramidl

Ventage

Chilcoot Inlet

Davidsons Glacier

Seduction P.t

Chilcoot

Rescue H.r

Spit awash

White Mountains

Deep Water Channel through

Enticott Rky

(See Ch.t 882)

Wm Henry H.r

St.t Mary's I.d

Chilcoot Inlet

Mountains on both shores

(Glaciers in every ravine

Berners Bay

Bridget I.d

Vanderbilt Reef

North I.d

Little I.d

Benjamin I.d

Eagle Glacier 7200 F.t

Ralston I.d

Sentinel I.d

Gull I.d

Bird I.d

Favorite Channel

Dome Peak

Hump I.d

P.t Stephens

Sullivan I.d

Skeletal I.d

P.t Retreat

Barlows Cove

Lions Mountain

Gastineaux Ch.l

Cove (see plan)

DOUGLAS ISL.D

Stephens Passage

ADMIRALTY ISLAND

CROSS SOUND

P.t Sophia

Sister I.ds

P.t Converden

Rocky I.d

(See Ch.t 882)

Var.n 31° E

Var.n 30° E

BARANOFF ISLAND

Var.n 30° E.

Near P.t

Piper R.k

SCHULZE COVE.
Rubia (Fish) Bay.
Lat. 57° 22' 15" N.
Long. 135° 27' W.
Soundings in Fathoms

Cables

FRITZ COVE.

Douglas Island, Stephen's Passage.

Entrance Point { Lat. 58° 19' North. Long. 134° 47' West.

Soundings in Fathoms

Scale 0 1 2 3 4 5 Cables

Hut P.t

Fishing Village

Young's Mch.t

Entrance P.t

Var.n 30° E.

DOUGLAS ISLAND

Outer Point

HOONYAH HARBOR.

CROSS SOUND.

Entrance Point { Lat. 58° 09' North. Long. 135° 32' West.

Rise of Tide ab.t 13 f.t

Soundings in Fathoms

Scale 0 1 2 3 4 5 Cables.

Pinnacle R.k

Entrance P.t

Hoonyah

Grave P.t

FITT I.d

Cliff P.t

Pulse P.t

Indian Fishing Village

Black Reef

GREEN I.d

LONG ISLAND

Dome P.t

Harbor

Var.n 30° E.

Var.n 30° E.

SEN. MIS. DOC. No. 71, 1st SESS., 47th CONG.

Published June, 1881 at the Hydrographic Office Washington D.C.
J.C.P. de Krafft Captain U.S.N. Hydrographer to the Bureau of Navigation

No. 883.

NORTH PACIFIC OCEAN.
N.W. COAST OF AMERICA.

ANCHORAGES AND PASSAGES
IN THE WATERS ON THE
S.W. COAST OF ALASKA.

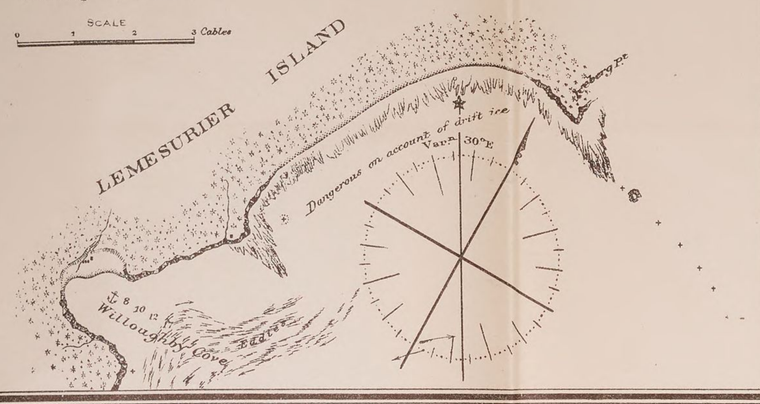
From Reconnaissances by Master C.C. Hanus *of the U.S. Ship* "Jamestown", *Com.dr* L.A. Beardslee. 1880.

HYDROGRAPHIC OFFICE U.S. NAVY

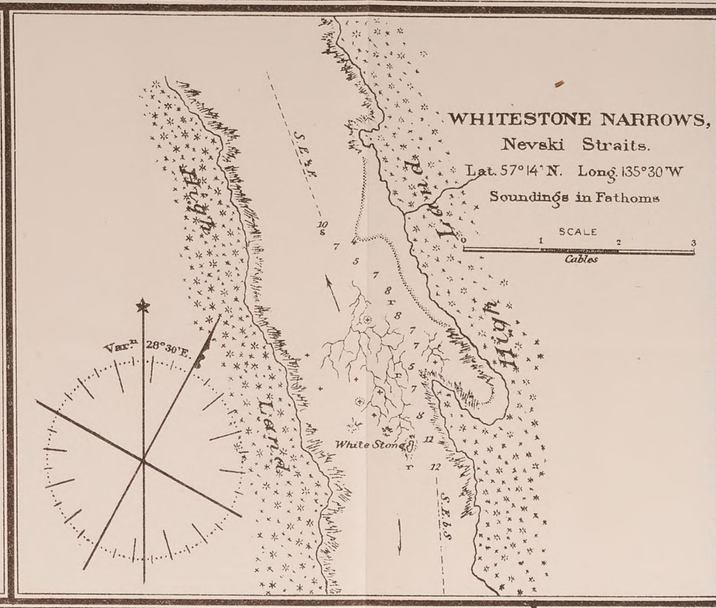
Price 10 cents.

The Variations are for 1880, increasing 1¼ min. annually.

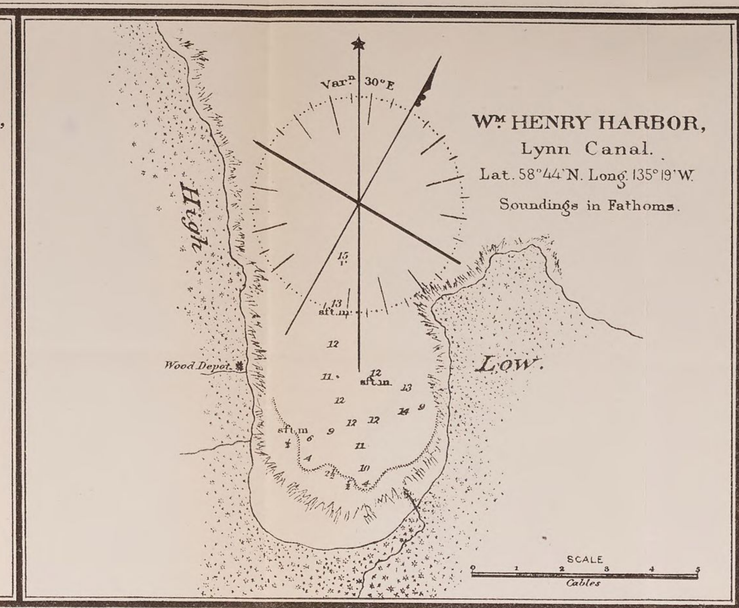
WILLOUGHBY COVE,
Lemesurier Id, Cross Sound.
Lat. 58° 17' N. Long. 135° 58' W.
Soundings in Fathoms.



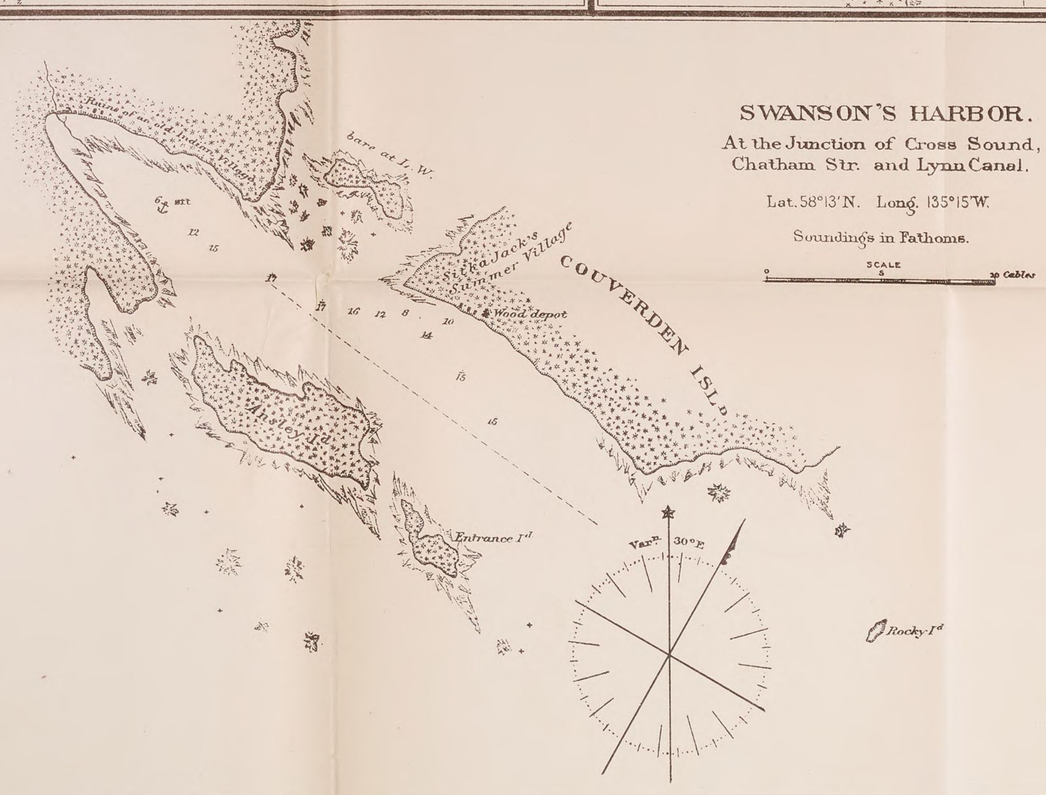
WHITESTONE NARROWS,
Nevski Straits.
Lat. 57° 14' N. Long. 135° 30' W.
Soundings in Fathoms



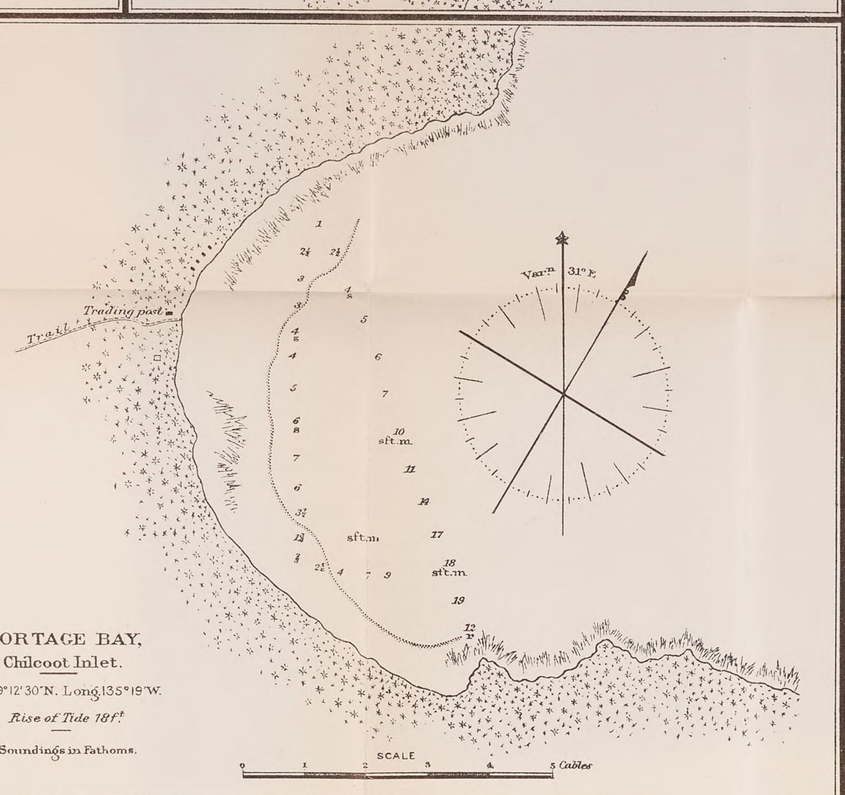
Wm HENRY HARBOR,
Lynn Canal.
Lat. 58° 44' N. Long. 135° 19' W.
Soundings in Fathoms.



SWANSON'S HARBOR.
At the Junction of Cross Sound, Chatham Str. and Lynn Canal.
Lat. 58° 13' N. Long. 135° 15' W.
Soundings in Fathoms.



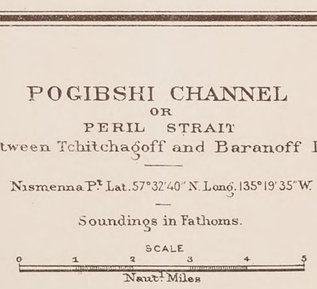
PORTAGE BAY,
Chilcoot Inlet.
Lat. 59° 12' 30" N. Long. 135° 19' W.
Rise of Tide 18 ft.
Soundings in Fathoms.



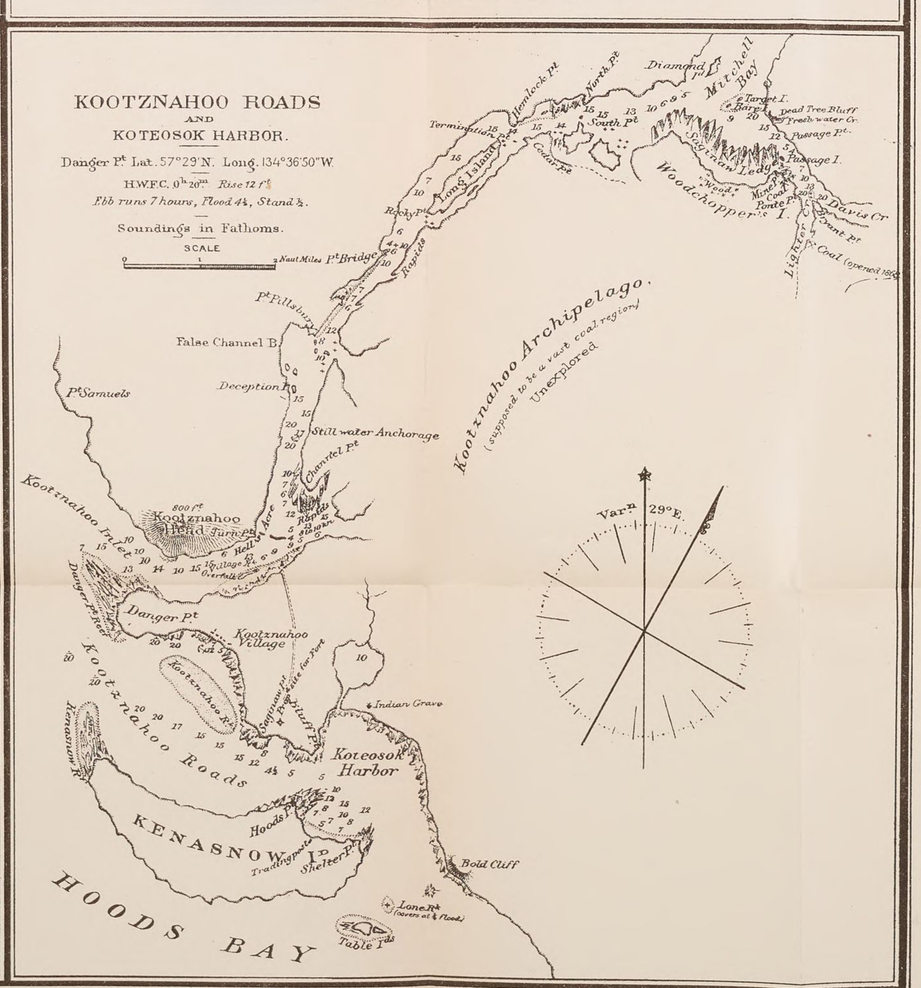
POGIBSHI CHANNEL
OR
PERIL STRAIT
between Tchitchagoff and Baranoff Ids

Nismenna Pt. Lat. 57° 32' 40" N. Long. 135° 19' 35" W.

Soundings in Fathoms.



KOOTZNAHOO ROADS
AND
KOTEOSOK HARBOR.
Danger Pt. Lat. 57° 29' N. Long. 134° 36' 50" W.
H.W.F.C. 0h 20m *Rise 12 ft.*
Ebb runs 7 hours, Flood 4¾, Stand ½.
Soundings in Fathoms.



SEN. EX. DOC. No. 71, 1st SESS., 47th CONG.

Published Jan. 1881 at the Hydrographic Office, Washington, D.C.
J.C.P de Krafft Captain U.S.N., *Hydrographer to the Bureau of Navigation*

N° 882.

PART IV.

CLIMATE AND METEOROLOGY.

PART IV.

CLIMATE AND METEOROLOGY.

During the occupation of Sitka by the Russians, an observatory was established on Tapansky Island, where full and detailed records were obtained from many observations. These for a portion of the time, viz, from 1847 to 1862, have been condensed and arranged by the United States Coast Survey, and are published in the Alaska Coast Pilot, in which is given the mean and extremes of temperatures, rainfall, and proportions of various kinds of weather for twelve years.

Also, their own observations for a part of 1867, and deductions from compilation of Luther's tables for the years 1828 and 1829.

Also, those of Kotzebue for a portion of 1824-'25.

Our log-books supply additional data, which I have arranged upon a system somewhat different from that previously employed.

In all published records the days are classified as "rainy," "cloudy," "fair," &c., and the number of each, for each month, season, and year, is given.

In thus classifying, judgment has so frequently to be substituted for figures that it would be quite possible for several conscientious compilers to produce as many varying results from the original data.

The climate of Sitka is very peculiar, and there are many days during which the variations from fair to cloudy, from clear to rain, and from fog to sunshine occur so frequently that it becomes to me impossible to classify with certainty such days under either head. The impression produced by study of these tables is, that at Sitka rain prevails a very large proportion of the time, and that fogs and mist fill up nearly all of the remainder.

Our experience in the Jamestown does not justify such conclusions as shown by the meteorological tables herewith submitted, which have been prepared upon this system. On each of the first eighteen pages is given the meteorological record for a month, each day in detail; and for a portion of the data, each day has been subdivided into three parts, of eight hours each: "first part," from 1 to 8 a. m., inclusive; "middle part," 9 a. m. to 4 p. m., inclusive; "latter part," 5 p. m. to midnight, inclusive. Upon each of these pages the direction and force of wind and the general character of the weather for each eight hours is given, also the maximum, minimum, and mean of the barometer and thermometer readings and other data, as per columns.

Following these detail records are two pages, upon which the results obtained are condensed into months, seasons, and the year and half year of the record.

Adopting as a unit the 8,784 hours which composed the first year, the number of hours during which the wind was from either quadrant, and its force, the hours of calm, rain, snow, fog, overcast and blue sky with passing clouds are expressed in percentages of the unit, also of the parts of the unit, covered by the separate seasons. Thus, by simple inspection of these final pages, definite information as to the proportion of all kinds of weather can be obtained, as found during a single year.

The six months from June, 1880, to November, inclusive, have been arranged in the same manner, and furnish additional information, which, however, cannot be properly incorporated in the discussion of a year, and will therefore be referred to as furnishing evidence confirmatory or the opposite to conclusions derived from study of the data of the first year.

The weather will be first analyzed. The first result of importance obtained from our data is that the generally received ideas in regard to the preponderance of rainy and foggy weather, and of snow, hail, and overcast sky, at Sitka, are based upon facts differing greatly from ours.

From the tables published in the Coast Pilot, the following is extracted, and comparisons made with results from our own observation:

Comparison of the record obtained by the Jamestown, during 1879–'80, *of the number of days in the year during which rain or snow fell, at intervals or continuously &c., with the records compiled from Lütké's table for the years* 1824–'25.

Weather.		Jamestown's.	
	Lütké's tables, 1824–'25.	June, 1879, to May, 1880, inclusive.	June 1880, to November, inclusive.
Continuous rain or snow ..... days..	117	15	9
Rain or snow at intervals ..... days..	174	226	132
Neither ..... days..	74	125	42
	365	366	183

Classified by months and seasons, the days of the varying weather as above, from June, 1879, to November, 1880, inclusive, were as follows:

Rainy days, &c., by months.

Month.	Days of rain or snow.		Days on which neither fell.
	Continuous.	At intervals.	
1879.			
June	3	24	3
July	0	16	15
August	7	17	7
September	1	24	5
October	0	18	13
November	0	21	9
December	0	23	8
1880.			
January	1	20	10
February	1	22	6
March	0	14	17
April	1	12	17
May	1	15	15
June	3	21	6
July	3	20	8
August	2	18	11
September	0	23	7
October	1	28	2
November	0	22	8
	24	358	167

From the tables submitted herewith the following analysis is reproduced. Arranging the various kinds of weather experienced by us during the first year, in precedence, we have:

	Per cent of time.
No. 1. Overcast, 4,265 hours	48.5
No. 2. Blue sky and clouds, 4,152 hours	47.2
No. 3. Rainy, 1,806 hours	20.5
No. 4. Haze or mist, 1,077 hours	12.2
No. 5. Snow or hail, 835 hours	9.5
No. 6. Sundry, 350 hours	4.0

Of which the entire period was covered by items 1, 2, and 6, the rain, snow, fog, &c., occurring during the hours marked "overcast," and "b. c. p.," or "b. c. m.," much of the misty weather being so marked.

The slight preponderance of "overcast" over blue sky and clouds would be reversed, had we experienced three days less of the first; therefore they are practically equal. And through the system adopted in marking the hours during which rain fell gives to the record figures which cause undoubtedly a slight *over* estimate to it at the expense of an *under* estimate of the "b. c."

In many places the log shows "b. c. p." in the weather column, indicating blue sky with clouds and passing showers, and in some of these cases the proportion of sky clear is marked at from 2 to 5 tenths. All of these hours were classified with the rainy ones; in some cases, where it was manifestly just to do so, two of them have been counted as equal to one hour of rain. Had half of them been credited to each, the b. c. would have taken precedence of c.

RAIN.

Third in precedence comes rain. Although, as above stated, the hours of rainfall were probably somewhat less than those tabulated, the percentage of time during which it fell, or during which precipitation of any kind took place, was unexpectedly small.

The total hours and amount of rain, and hours during which it snowed and hailed, were, as grouped by seasons:

	Rain.	Per cent.	Inches.	Snow.	Per cent.
	Hours.			*Hours.*	
Spring	296	13.6	5.34	156	7.0
Summer	622	28 1	18.71	0	
Autumn	588	26.9	16.28	76	3.4
Winter	300	13.7	16.01	603	27.3
Year	1,806	20.6	56.34	835	9.5

The entire percentage of the time during which precipitation took place being 2,641 hours, or 30.1 per cent.

During the subsequent six months, from June to November, 1880, inclusive, there was no snow, but a greatly increased amount of rain in hours, percentage of time, and inches, as follows:

Summer, 593 hours=26.8 per cent.=18.71 inches.

Autumn, 816 hours=36.9 per cent.=49.24 inches.

The number of days upon which rain or snow fell was, during the first year, 341; during the second half year, 141.

No rain-gauge was provided for the ship, and the records for the above rainfall were obtained by means of one constructed on board the ship,

which, although not as accurate as was desirable, probably gave close approximations.

In September, 1880, an instrument was furnished, and the remarkable rainfall of the three months, September, October, and November, was measured by it; this, amounting to 49.24 inches, exceeded the average for the same season as obtained from fourteen years' observation by the Russians 18.36 inches.

The November record of rainfall and hours of calm, are, of the entire series of eighteen months, second only to that of June, 1879, as thus shown:

June, 1879. Hours of calm, 306; of rain, 298.

November, 1880. Hours of calm, 255; of rain, 291.

FOG AND MIST.

The figures show this condition of the atmosphere to be fourth of the five phases classified, but if on each hour marked "m" or "f" a description in detail had been given of the weather, its record would be greatly lowered. Generally these letters signified that the sky and mountain summits were obscured by the condensed vapor which hung over the latter, from the lower part of which there extended downward a gradually lessening mist and haze, which a hundred feet above the horizon became invisible.

I do not remember to have noticed at Sitka a single hour of fog as dense as that which prevails for a very large proportion of the summer upon our Atlantic coast, and upon the Pacific coast, further south; and it seldom happened that the islands a mile away were hidden by fog. Our log-books show frequently the apparently contradictory symbols for the same hour "b. c. f." or "b. c. m." At such times the sky overhead and to seaward was clear, that over the mountains furnished the "f" and "m."

An invisible vapor, however, always surrounded us, as is indicated by the uniform slight difference between the records of the wet and dry bulb thermometers. This difference ranged from 1° to 4° except on one or two occasions, during very bright days. The mean of the difference for the entire time was about 2°.

There existed a strange (to me) peculiarity about this moisture—it never penetrated apartments. We left our ports and windows open during all sorts of weather, and nothing ever molded or rusted. Our holds were kept sweet easily, and the mold fungus never took possession. Sheltered from direct contact by awnings, our men slept with impunity on deck, and during the hardest rains washed clothes hung under the awnings, would dry.

During the summer there were many hours of fine drizzling rain, which more nearly resembled vapor than rain, and was commonly compared to the spray from an evaporator. This rain, although continuous for hours, hardly made an impression upon our rain-gauge, as shown by the contrast of the rainfall in summer and winter of 1879–'80, as measured by time and quantity; 622 hours of rain in summer averaging but little over one-half per hour of that produced by 300 hours in winter.

SNOW.

During the winter of 1879–'80 the fall of snow was unprecedented. Ordinarily but little snow falls, and that is quickly melted and washed away by the rains.

During many preceding winters there had not been at one time on the level at Sitka over 5 or 6 inches, and that which fell on the high hills seldom exceeded 3 feet, and this was so far melted by June that prospecting and mining could then be started.

With this winter, though, things were very different. From September until well into March snow-storms were frequent, and our records show a total of 835 hours, or nearly 35 days, of snow-storm. And on the level at Sitka it remained from 3 to 4 feet deep for over three months. And on the hills the snow was so deep and so lasting that all mining operations were brought to a standstill in September, from which they did not recover until the summer of 1880.

In August, 1879, I, on a trip over the mountains, encountered snow only in sheltered ravines, where it had probably accumulated for many years; the hillsides, especially on the southern slopes, being clothed with grass and flowers, and the terraces with ripe blue berries, on which countless flocks of ptarmigan were feeding.

In August, 1880, all of these spots were covered with deep snow, and on a trip to Chilkhat I observed that the hills upon the northern part of Baranoff Island were much more covered than were those a hundred miles north. This may be attributed to the much greater evaporation which is constantly taking place from the warm waters of the Kuro Siwo, which washes Baranoff, than that arising from the cold and partially fresh (on the surface) water of Lynn Canal, into which many streams from glaciers empty. This fresh water was so distinctly separated from the salt, on which it rested, that we were able to water the steam launch at some distance from the mouth of the creeks at low tide. By carefully avoiding dipping our buckets over 4 inches we obtained fresh water; a little deeper we got brackish water; and at 6 inches depth water completely salt. The fresh surface was of a pale-green hue, and in it, with their back fins protruding, were quantities of salmon which, having spawned, had escaped thus far the ordinary fate, and stood a chance of getting again into the salt water and recuperating. They swam about in the most aimless manner, apparently blind, as they would strike against a boat with their heads instead of turning out or diving.

TEMPERATURE.

In the following table the means of temperature for the seasons, as obtained by our observations, are placed as an addenda to those obtained by the Russians and by the Coast Survey.

This abstract shows that the winter of 1879–'80 was the coldest that has been experienced in Sitka for many years, and I have been informed that for the preceding fifty years the temperature at Sitka had been below zero but four times, and that the lowest record was —4°. In January, 1880, it reached —7°, and was below zero for over fifty hours during the first part of the month.

During many winters preceding cattle have been able to obtain food throughout, and roses have been gathered from open-air gardens at Christmas, and potatoes and turnips buried a foot deep have been uninjured by frost.

Mean of temperatures observed at Sitka for from twelve to fifteen years.

Year.	Observer.	Mean temperatures.					Extreme difference in means.	Extreme difference in months.
		Spring.	Summer.	Autumn.	Winter.	Year.		
		°	°	°	°	°	°	°
1850	Russians	36.9	53.3	44.4	30.6	41.3	22.7	33.7
1851	do	43.8	56.2	47.8	31.3	45.8	24.9	29.7
1852	do	40.5	55.4	44.9	32.6	43.2	22.8	33.0
1853	do	42.5	52.4	38.1	34.8	41.9	17.6	20.2
1854	do	40.6	54.8	46.0	31.7	42.9	22.4	28.1
1855								
1856	do	44.9	53.4	44.5	32.8	44.4	20.6	24.1
1857	do	43.2	54.1	46.2	31.8	43.7	22.3	26.8
1858	do	42.8	53.7	44.7	28.2	41.9	25.5	26.7
1859	do	40.4	53.7	40.1	32.6	41.4	21.1	27.0
1860	do	41.1	55.3	46.5	32.9	43.9	22.4	28.8
1861	do	42.1	55.8	44.2	30.7	43.2	25.1	33.5
1862	do	38.1	53.7	43.5	29.5	41.2	24.2	30.7
1867	Coast Survey		53.2					
1879	Jamestown		54.3	45.7	27.7			
1880	do	40.05	53.8	48.0				
Average		13 years. 41.3	15 years. 54.2	14 years. 44.6	13 years. 31.3	12 years. 42.9	12 years. 22.6	av. 12 yrs. 28.5

THE KURO-SIWO.

The dense forests which cover the coasts of southeastern Alaska, the agricultural resources which it possesses, the myriads of creatures which crowd its waters, the fog and mist and excessive rainfall which characterize its climate, and its freedom from extremes of either heat or cold, are due to the same source, namely, the great stream of warm water which fills its channels and bathes its coasts.

It seldom happens that observations can be made on the waters of this stream at extreme differences of temperature, but the cold winter of 1879–'80 gave us the opportunity to contrast its temperature with that taken during warm weather.

Our observations taken during the spring, summer, autumn, and winter, showed that with an extreme variation of temperature of the air of 83° (from −7° to +75°) the temperature of the water alongside varied but 13°, viz, from average 40° in January to 53° in August of 1880.

During a very cold spell from January 1 to 17, 1880, a series of careful observations was made by means of thermometers in the guardhouse on shore and on board of the ship, and it was found that on shore the temperature was from 1° to 2° lower than on board, the shore instrument being protected from immediate contact with the vapor, to which that on board was exposed.

During these seventeen days the thermometer on board averaged 14°.3 above zero; that on shore was 13°. The instruments had previous to the experiment been carefully adjusted to a common standard. The extremes of low temperature were −7° and + 30°; those of the water were from 33° to 42°, with a mean of 39°.

The physical phenomena observed were very interesting. At all temperatures above 14° the rising vapor was invisible, but undoubtedly helped swell a great black bank which throughout the winter months hung steadily over the southern horizon, while overhead and in all other

directions the sky was almost entirely clear, and during the period of lowest temperature entirely so, and the sun's rays in the few hours of daylight and those of the stars throughout the night were remarkably brilliant. Not a drop of rain or flake of snow fell or speck of mist visible most of the time. At 13° a change began; we could see the rising vapor, which covered the surface with about a foot deep of fog. As the temperature lowered the density and height of this coverlid increased until at —7° it came up to our rails, and presented an appearance like dry steam or smoke.

Occasional puffs of wind would cut channels through it, and send it whirling in wreaths. On the 7th January strong cold winds condensed this vapor into fine particles of snow, not coarser than No. 8 shot, and these drove before the wind in sheets, while the sky above was clear, and no snow falling on the mountains.

Our observations for surface temperature showed at times sudden changes, which at first seemed unaccountable, but by study it was found that the ice produced at low tide on the tide pools on adjacent flats became detached as the tide rose, and, floating in proximity to our instruments, affected their record.

At 1 a. m. on the 18th of January a magnificent display of aurora borealis began. An illuminated arch, behind which most beautiful pyrotechnical effects were produced, spread over the northern horizon, and continued until 4 a. m., when the black bank to the south sent upon a southeastern wind an advance guard of mist, which soon obliterated the aurora, and with a rising temperature the weather changed completely. A heavy damp snow, with flakes as large as a silver dollar, began, and was soon succeeded by very heavy rain, which, with occasional intermissions of snow and hail, lasted for six days. During this and subsequent displays of the aurora we could not detect that any influence was exerted by it upon the compass.

Twice again during the winter the advent of an aurora preceded a radical change from clear and cold to warm rainy weather.

The means of the monthly temperature of the water alongside were as follows, those of the air being repeated for ready contrast:

Monthly mean of temperatures of air and surface water compared.

	Temperature of air.	Temperature of water.
	°	°
January	20.6	39
February	31.3	39
March	31.3	39.5
April	42.6	42
May	47.8	46.5
June	50.7	48
July	55.1	49
August	57.2	50
September	54.5	51.5
October	43.3	48.9
November	39.3	44.4
December	No record.	

No observations for bottom temperature were made, we not having suitable instruments. On one occasion only the delicate thermometer belonging to the chronometer room was used, and showed at bottom 42°, the surface temperature being 40°.

ELECTRICAL PHENOMENA.

During latter part of spring, summer, and early fall, there were no electrical phenomena, the rains being entirely unaccompanied by thunder and lightning.

In October our first experience of this occurred during a very heavy hailstorm, and throughout the winter hailstorms were frequently so accompanied, the lightning ceasing as the hail turned to snow or rain. On several occasions very heavy thunder occurred without lightning. There were but few displays of aurora borealis, and they confined to the very cold period in January. Zodiacal lights prevailed throughout winter.

WINDS.—DIRECTION AND FORCE.

The tabulated records of the direction and force of the winds experienced by us do not without explanation convey a complete idea as to their points.

The records are of the winds that reached the Jamestown, and she was lying in a sheltered harbor, open only to winds from seaward, the character of which was greatly altered before reaching us, by obstructing islands, and by deflection from high land which lay to the NW., N., and NNE. of us.

From these directions only the light land breezes of summer, and strong squalls, which in winter forced their way through ravines, reached us.

Our log records 3,282 hours of wind from the NE. quadrant, and but 1,828 from the SE. quadrant; it is more than probable that an observer stationed on Biorka Island or Cape Edgecomb would have found these proportions reversed.

During the winter months it frequently happened that we were subjected to strong winds from ENE., while outside, as we could judge by every indication except cloud-drift, the wind was SE., and much stronger than we received it. No cloud-drift could be observed, as the sky was generally in such times uniformly overcast.

WINDS.—FORCE.

Our records show that during the first year the percentage of time of the various forces of wind was: Calm to gentle breezes, 80 per cent.; moderate breezes to fresh, 18, and gales occurred during less than 2 per cent., and during the stormy months of autumn and winter nearly 75 per cent. of the time the force of wind did not exceed 3 per cent., the gales occupying about 3½ per cent., almost confined to winter months.

Number of hours of calm during first, middle, and latter part of days, from June, 1879, to November, 1880, inclusive.

Month.	First part.	Middle part.	Last part.	Total.
1879.				
June	107	42	51	200
July	74	17	38	129
August	81	23	54	158
Summer	262	82	143	487
September	64	26	61	151
October	17	20	14	51
November	15	11	9	35
Autumn	96	57	84	237

Number of hours of calm, &c.—Continued.

Month.	First part.	Middle part.	Last part.	Total.
1879.				
December	10	10	20	40
January	6	6	8	20
February	23	17	16	56
Winter	39	33	44	116
March	36	17	16	69
April	78	20	65	163
May	95	10	31	136
Spring	209	47	112	368
Year	606	219	383	1,208
1880.				
June	42	4	24	70
July	66	12	36	117
August	72	18	60	150
Summer	180	34	123	337
September	13	35	30	78
October	45	37	65	147
November	75	80	100	255
Autumn	133	152	195	480
Six months	313	186	318	817

LAND AND SEA BREEZE.

Our method of tabulating the hours of calm, &c., by thirds of the day, brought to notice the fact that, beginning in March and ending in October (by our records), a regular land and sea breeze occurs in Sitka Harbor.

Generally the day began with light airs and breezes off the land, which, during the early part, died away to calm, a light breeze springing up about noon, generally from SSE. to SSW. which was again followed by a calm of shorter duration.

In the following table these alternations of calm, light breeze, and calm are shown clearly.

During the autumn and winter these alternations became irregular, and but few hours are marked calm.

During the summer season the greater portion of the rain fell during these calm hours, the weather clearing up as the sun's rays in the morning acquired strength enough to check the condensation by the snow-clad hills of the vapor which had accumulated.

The log shows that the preponderance of calm hours in the first and latter parts of the day would be greatly increased if to them were added their proportions of the light airs and breezes.

The calm hours of the several months were as follows:

	First part.	Middle part.	Latter part.
1879.			
June	107	42	50
July	74	17	38
August	81	23	54
September	64	26	61
October	17	20	14
November	15	11	9
December	10	10	15
1880.			
January	6	6	8
February	23	17	16
March	36	17	16
April	78	20	65
May	95	10	31
June	42	4	24
July	62	12	39
August	72	18	60
September	13	35	33
October	45	37	65
November	75	80	100
December	47	39	64

GALES.

Description of action of wind and barometer during sixteen gales experienced at Sitka.

August 14.—Easterly gale for ten hours.

Began 1 a. m.; bar. 29.75; wind E. 8; weather o. c. p. q.; 1 to 9 a. m., wind E. 8; bar. 29.75 to 29.65; weather o. c. p. q.; 10 p. m., wind SE. 7; bar. began rising and at midnight stood 29.78; wind SE. 4; weather b. c. q. First fall of mercury at 11 p. m. 13th, 29.80 to 29.75; three hours' warning.

September 12.—Moderate gale E. to SE., seven hours.

Began 3 a. m.; wind E. 7; bar. 29.82; weather o. c. q. r.; 6 a. m., wind ENE. 8; bar. 29.68; weather o. c. q. r.; 8 a. m., wind NE. 7; bar. 29.62; weather o. c. q. r.; 10 a. m., wind SE. 7; bar. 29.66; weather o. c. q.; noon, wind SSE. 4; bar. 29.72; weather b. c. q.; noon to midnight, SSE. 4 to 1; bar. 29.72 to .86; weather b. c. q. First fall of mercury at 9 p. m. 11th, from 30.12 to 30.06; six hours' warning.

October 7 and 8.—Moderate gale from ENE., seven hours, on 7th.

Began 2 p. m.; wind ENE. 5 to 8; bar. 29.42; weather o. c. q. r.; 2 to 6 p. m., wind ENE. 8; bar. fell to 29.03; weather o. c. q. r.; at 9 p. m., wind SSW. 7; bar. rose to 29.14; weather o. c. q. r.; at 10 p. m. wind SSW. 5; bar. rose to 29.20; weather o. c. q. h.; midnight, wind SE. 4; bar. steady.

Light squalls from SE. freshened at 1 a. m. to ESE. 7; bar. 29.20; weather o. c. q. r. h.; 4 a. m. SE. 8; bar. 29.20; weather o. c. q. r. h.; 6 a. m. S. by W. 8; bar. 29.23; weather o. c. q.; 8 a. m. S. by W. 8; bar. 29.32; weather o. c. q. r.; noon SSW. 8 to 5; bar. 29.44; weather o. c. q. r.; noon to midnight SW. 4 to 2; bar. 29.47 to .61; weather b. c.

The shift to SSW. on the 7th occurred with a heavy squall, and simultaneously the mercury, as if released from a weight, sprung up *eleven* hundredths in less than five minutes, and then rose more slowly.

On the 8th, the rise accompanying the S. by W. wind was very gradual.

The first fall of mercury preceding this blow was at 5 a. m. of 7th, from 29.84 to 29.80; nine hours warning.

October 22 *and* 23.—ENE. gale from 5 a. m. 22d to 3 p. m. 23d.

22d, 5 a. m. wind ESE. 7; bar. 29.90; weather o. c. q.; 7 a. m., wind E. 8; bar. 29.80; weather o. c. q.; 7 to noon, wind E. 8; bar. 28.80 to 28.75; weather o. c. p. q; noon to 4 p. m. ENE. 8; bar 29.75 to 29.69; weather o. c. p. q.; 4 p. m. to midnight NE. 8; bar. 29.60 to 29.42; weather o. c. q.

23d, midnight to 4 a. m., E. 8 to 9; bar. 29.39 to 29.23; weather c. q.; 4 to 6 a. m., E. 8 to 4; bar. 29.20 to 29.12; weather o. c. q.; 6 p. m., SE. 7 to 3; bar. 29.12; weather o. c. q.; 7 p. m., SE. 7 to 3; bar. 29.13; weather o. c. q.; to midnight SE. 6 to 3; bar. 29.13 to 29.20; weather o. c. p. s.

The first fall of mercury occurred at 1 a. m. 22d, from 30.17 to 30.07, giving thus four hours warning.

The rise of barometer, beginning with shift to SE., continued until 1 a. m. 29th, when it stood 30.65, the general character of the weather having been fair, with varying winds; the fall was slow and gradual, with but few intervals of steadying until on November 1.

November 1.—At noon, with bar. 29.60, a sharp gale from E. to NE. sprung up, during which the wind, weather. &c.; was, noon, wind E. 6; bar. 29.60; weather o. c. p. q. s. h. e.; noon to 4 E. 7 to 8; bar. 29.60 to 29.54; weather, o. c. p. q. s. h. e.; 4 to 8 NE. 8 to 5; bar. 29.54 to 29.59; weather o. c. q. d.; 8 to midnight NE. 5 to 2; bar. 29.60 to 67; weather o. c. d.

In this instance a very short and not very severe gale was preceded by a steady bar. fall for nearly sixty hours, and for the first time the barometer began to rise with the wind still at NE., and no southerly wind followed for several days, which days, however, were generally fair and pleasant, with barometer averaging above 30 inches.

November 12 *and* 13.—Moderate gale from ENE. to NE., twelve hours.

Began 8 p. m. 12th; wind ENE. 6; bar. 29.02; weather o. c. q. d.; 9 p. m. E. 8 to 9; bar. 28.90; weather o. c. q.; continuing till midnight, when bar. stood 28.71.

From midnight to 4 ENE. 8 to 9 in squalls, following each other with great rapidity. Bar. steadily falling to 28.56. From 4 to 8 a. m., squalls strong, 8 to 9 from NE. Bar. steady at 28.54 to 28.50, vibrating slightly; the weather being overcast, with rain. At 8 a. m. the wind moderated to 6 from NE., and the weather cleared up to b. c., the barometer rising during the forenoon watch to 28.69.

At 1 p. m., the wind was from east and light; the barometer began to again fall, and at 2 was 28.62; the wind then shifted NE., and a rise of mercury began, it standing at midnight 29.82.

The first fall of mercury preceding this gale was at 4 a. m. of 12th, sixteen hours in advance, when it fell from 29.56 to 29.36 in eight hours, and by 8 p. m. had reached 29.02.

December 10 *and* 11.—ENE. gale from 1 p. m. 10th to 10 a. m. 11th. From 1 to 4 p. m. 10th, wind ENE. 6 to 8; bar. 29.75 to 29.50; weather o. c. q. s.; 4 to 8, wind ENE. 8; bar. 29.50 to 29.35; weather o. c. q. s.; 8 to midnight, wind ENE. 8; bar. 29.35 to 29.31; weather o. c. q. s. p.

11*th*.—Midnight to 4 a. m., ENE. 8.; bar. 29.33 to 29.34; weather, o. c. q. s. p.; 4 to 8 a. m., ENE. 8; bar. steady; 8 to noon, ENE. 8 to 5; bar. 29.36 to 29.43; weather o. c. p. q.; noon to 4 p. m., SE. to SSE. 8 to 3; bar. 29.43 to 29.67; weather o. c. q. r.

The rise of barometer continued throughout 12th, with light, variable air and overcast.

On 13th the rise continued from 29.70 to 29.82; at noon was 29.93; at

midnight the weather being fair and pleasant, but frequently overcast, and a heavy sea outside.

From midnight it began to fall, and at noon of 14th it stood 29.45.

The wind having freshened to a gale during forenoon of 14th.

December 14 *and* 15.—Hard gale from SE. to S. by W.

Began 1 a. m. 14th, wind SE. 6; bar. 29.63; weather o. c. q. r. h.; from 3 to 11 a. m., wind SE. 7 to 8; bar. 29.61 to 29.45; weather o. c. q. r. h.

At noon 14th, wind S. by W. 7; bar. rising, 29.46; 1 to 4 p. m., wind SSW. to SE. 7 to 6; bar. rising, 29.48 to 29.50; 4 to 8 p. m., wind SSW. to SSE. 7 to 5; bar. 29.50 to 29.54; 8 to midnight, wind SW. to NE. 5 to 3; bar. 29.54 to 29.59.

15*th*.—1 to 8 a. m., wind NNE. 3 to 8; bar. 29.60 to 29.75; weather o. c. q. s.; 8 a. m. till midnight, wind NNE. 3 to 5; bar. 29.75 to 30.09; weather b. c. q., with occasional snow.

This gale was followed by a very high barometer, with clear cold weather, for ten days, the mean of daily observation being from 30.02 to 30.29, the maximum being reached on the 18th, when, with light NE. winds and temperature of 29°, it reached 30.65.

During this period there were a number of fresh squalls from the NNE., which, by their effect upon the snow on the tops of the mountains, evidenced very strong winds, from which the land protected us.

On December 26 the force of the squalls from N. to NNE. was from 8 to 9, with bright clear cold weather, the snow on the hill tops flying in dense banks.

During these squalls the barometer rose from 29.63 at 1 a. m. to 29.70 at noon, 29.95 at midnight, when the wind shifted suddenly in a strong squall to SW., which lasted for half an hour, when the wind went back to N. and moderated rapidly, the record for 27th being: 1 a. m., wind N. 4; bar. 30.00; weather b. q.; noon, wind NE. 1; bar., 30.14; weather b. c.; midnight, wind ENE. 2; bar. 30.08; weather o. c., and on two occasions to 8.

The barometer was rather steady, the extreme ranges for the period being from 29.16 to 30.05.

On the 2d January the NE. squalls freshened to 8 at 11 p. m. and so continued till 1 p. m. of the 3d, with intervals of more moderate wind, the weather throughout being bright and clear.

These fresh squalls were preceded by a slight rise of the barometer, which, at 1 a. m. of 1st January, stood 29.18; at 1 a. m. of 2d, 29.22; at noon 2d, 29.31; at 11 p. m., when the wind freshened, 29.40.

Coincident with the first strong squall the mercury began to fall, and continued to fall slowly during the squally weather to 29.22 at noon of 2d, beginning to rise as the breeze moderated, which rise was continuous for several days until on 11th, when the weather began to grow overcast, with snow, and the barometer to fall, and continued so to do.

January.—During the first seventeen days of the month there occurred a period of low temperature, unprecedented in the meteorological history of Sitka.

The thermometer ranged from 7° to +30°, with a general mean of 14°.3; the daily means being 18°.7, 6°.4, 5°.9, 0°.5, —3°.3, —0°.3, +0°.9, 1°.6, 13°.3, 12°.1, 17°, 22°, 27°, 25°.3, 30°, 23°.1, 21°.5.

The weather was, with slight interruptions, caused by a few snow-squalls on 1st, 3d, 4th, and 11th, remarkably bright and clear.

On the 13th snow began falling with overcast sky, and from this date until the end of the month, but one day was free from snow storms.

The wind was for the first half of the month almost constantly from

northward and eastward, occasionally from northward and westward; not once from the southern quadrant.

The force was generally light, but freshening occasionally to squalls of 7 throughout 12th, 13th, and 14th, as follows: 11th, 1 p. m. 30.01, midnight 29.87, weather b. c.; 13th, 1 p. m. 29.87, midnight 29.51, weather b. c.; 14th, 1 p. m. 29.25, noon 29.02, midnight 28.88, weather, first part b. c., middle part o. c. s., latter part o. c. s. Light NE. winds throughout.

January 15.—At 1 a. m., after several hours of calm which had succeeded the light NE. breeze which had prevailed for several days, a strong breeze with snow came up in a squall from SSE. shifting to SSW.; weather o. c. q. s.

This squall was followed by an hour's light air from ENE., and at 4 a. m. by sharp squall from S., and from 5 a. m. till noon the wind varied from S. to SW. in rapid succession of squalls of force 8, accompanied by hail and snow. At 10 a. m. the wind settled into a fresh SSW. gale, which continued until 6 p. m., weather overcast with snow and hail; from 6 to midnight the wind died away at south.

During this storm the barometer rose and fell as follows: 1 a. m., wind SSE. 6; bar. 28.91; weather o. c. q. s.; 4 a. m., wind S. 6; bar. 28.94; weather o. c. q. s.; 8 a. m., wind SSW. 8; bar. 29.02; weather b. c. q. p. h.; noon, wind SSW. 8; bar. 29.18; weather b. c. q. p. h.; 2 p. m., wind SSW. 8; bar. 29.16; weather b. c. q. s.; 4 p. m., wind SSW. 8; bar. 29.12; weather b. c. q. s.; 5 p. m., wind SSW. 8; bar. 29.35; weather o. c. q. h. s.; 8 p. m., wind SSW. 5; bar. 29.36; weather b. c. q. s.; 10 p. m., wind S. 5; bar. 29.40; weather o. c. s.; midnight, wind SSE. 5; bar. 29.38; weather o. c. s.

During 16*th*.—1 a. m. to noon, light, variable breezes from northward and eastward; clearing weather; bar. 29.38 to 29.30. Noon to midnight, wind light and variable, weather bright and clear, and barometer rising rapidly from 29.30 to 29.60, the rise continuing through the 17th from 29.64 to 29.91.

On the 18th of January the barometer stood at 1 a. m. at 29.84, and began falling, with wind and weather as follows: Bar., noon, 29.85—.47; wind NE. to SE. 2; weather o. c. s.; noon to midnight, 29.53—.24; wind E. to ESE. 2 to 7; weather o. c. q. r. s.

19*th*.—1 a. m. to noon, wind SE. to ENE. 1 to 5; bar. 29.35 to 29.18; weather o. c. r.; noon to midnight, wind ENE. 1, and calm; bar. 29.13 to 29.32; weather o. c. r. s.

20*th*.—1 a. m. to noon, wind ENE. 1; bar. 29.34 to 29.58; weather o. c. d.; noon to 9 p. m., wind E. 4 to 6; bar. 29.57 to 29.44; 10 p. m. to midnight, wind SE. 4; bar. 29.44 steady.

21*st*.—1 a. m. to 4 a. m. wind ENE. 4 to 6; bar. 29.45 to 29.34; weather o. c. q. d.; 4 to noon, wind ENE. 6 to 5; bar. 29.34 to 28.94; weather o. c. q. d.; noon to 6 p. m., wind E. 5 to 2; bar. 28.88 to 28.72; 7 p. m., wind SW. 8; in a sudden squall barometer jumped from 28.72 to 28.90 in a few minutes, and in less than an hour reached 29.08 at 8 p. m.; 9 p. m., 21st, wind SSW. 8; bar., 29.29; weather, o. c. q. r. s. h.; 10 p. m., 21st, wind WSW. 8; bar. 29.38; weather o. c. q. r. s. h.; midnight W. 2; bar. 29.44; weather o. c.

This furnished the third marked coincidence of a shift to SW. in a heavy squall, being accompanied by a remarkably rapid rise of the barometer.

For several subsequent days the wind alternated from southward and westward, and northward and eastward, and upon each change the barometer rose with the southwest and fell with the northeast wind.

February 11.—A moderate gale from 1 a. m. to midnight from ESE., S. to SSW., 7 to 8.

The action of the wind, barometer, &c., was: 1 a. m., 11th, wind ESE. 5; bar. 29.61; weather o. c. q. s.; 4 a. m., wind SE. 7; bar. 29.33; weather o. c. q. s.; 7 a. m., wind SE. 8; bar. 29.23; weather o. c. q. s.; 8 a. m., wind S. 7; bar. 29.23; weather o. c. q. s.; 10 a. m., wind SSW. 7; bar. 29.26; weather b. c. q. s. h.; noon, wind SSW. 7 to 8; bar. 29.28; weather, b. c. q.; noon to midnight, wind SSW. 8 to 7; bar. 29.28; weather b. c. q. h. s.

12*th*.—Midnight to 4 a. m., wind SSW. 7 to 6; bar. 29.34 to 29.36.

The first fall of mercury preceding this blow was observed at 9 p. m. or 10, from 29.82 to 29.78; four hours' warning.

March 4.—A fresh blow with squalls of 7 to 8 from ENE. began at 2 a. m. and lasted but three hours; in this case our warning by barometer preceded the squalls by twenty-two hours, it beginning to fall at 4 a. m. of the 3d from 29.78 to 29.68 at noon, 29.61 at 4 p. m., 29.55 at 8 p. m., 29.48 at midnight. At 2 a. m., beginning of severe squalls, 29.43; at 5 a. m., ending of same, 29.39, where it remained steady, with overcast weather and light NE. winds, until 2 p. m., when the wind shifted ESE. light, weather cleared, and barometer began rising.

March 18 *and* 19.—A moderate gale from SE. with squalls of 8 from E. to S., barometer rising steadily throughout, as follows:

18th, 10 p. m., wind E. 7; bar. 29.77; weather o. c. q. r.; midnight, wind SE. 8; bar. 29.77; weather o. c. q. r.

19th, 2 a. m., wind S. 7 to 8; bar. 29.80; weather o. c. q. r. s.; 4 a. m., wind S. 7 to 5; bar. 29.80; weather o. c. q. r. s. h. l.; noon, wind SE. 6; bar. 29.88; weather b. c. p. q. h.; noon to midnight, SE. 7 to 3.; bar. 29.88 to 30.01; weather o. c. q. h. r.

The first fall of barometer preceding occurred at 1 p. m., from 30.05 to 30.02; weather, b. c.; wind ESE. 4.

April 5 *and* 6.—April 5 from 6 to 10 a. m., fresh NE. squalls, 7 to 8, preceded and followed by fresh breeze from same direction; weather o. c. q.; barometer began falling at 8. p. m., 4 from 29.81 to 29.77 at midnight; and at 6. a. m., 29.71; at 10, 29.69, and began rising, till at midnight it stood 29.80; weather o. c. p. q.

April 6, barometer began falling at 1 a. m., from 29.80 to 29.78; wind ENE. 5. At 10 a. m. wind NE. 7; bar. 29.59; weather o. c. q. r.; noon, wind NE. 8; bar. 29.53; weather o. c. q. r.; 1 and 2 p. m., wind E. 9; bar. 29.54 to 29.60; weather o. c. q. r.; 4 p. m., wind ESE. 5; bar. 29.70; weather b. c. q., p. h.; 8 p. m., wind ESE. 8; bar. 29.77; weather b. c. q.; 8 to midnight; wind ESE. 8 to 3; bar. 29.77 to 29.85; weather b. c. q.

September 5, 1880.—Gale from ENE. to ESE. force 8 and 9, began: 4 a. m. wind ENE. 8, bar. 29.57; weather o. c. p. q. r.; 8 a. m. wind NE. 8; bar. 29.39; weather o. c. p. q. r.; 9 to 11 a. m., wind ENE. 8; bar. 29.37 to 2.31; weather o. c. p. q. r.; noon, wind SSE. 9; bar. 29.37; weather o. c. p. q. r.; noon to 4 p. m., wind ESE. 9; bar. 29.43 to 29.61; weather o. c. p. q. r.; 4 to 8 p. m., wind ESE. 8 to 2; bar. 29.61 to 29.75; weather o. c. q.; 8 to noon calm; bar. 29.75, steady; weather o. c.

Found fall of mercury at 4 p. m. 4th from 30.03 to 30.01; at midnight 29.87.

October 10 *and* 11.—SE. gale from 6 p. m. 10th to 2 a. m. 11th; wind, barometer, &c., as follows:

10th, 6 p. m. SE. 7; bar. 29.75; weather o. c. q. r.; 7 to midnight SE. 8; bar. 29.75 to 29.57; weather o. c. q. r.

11th, midnight to 2 a. m. SE. 9; bar. 29.55 to 29.52; weather o. c. q. r.; 2 to 4 a. m. S. 7 to 5; bar. 29.53 to 29.60; weather o. c. q. r.; 4 to noon S. to

SSW. 5 to 6; bar. 29.60 to 29.93; noon to mid. SSW. 5 to 3; bar. 29.94 to 30.05; weather o. c. p. q.

On the 26th of October, 1880, Sitka was visited by a hurricane, which was accompanied by heavy shocks of earthquake.

This storm is so fully described in an able report by Lieut. F. M. Symonds that I do not consider it desirable to attempt to add to or take away from his account, which was submitted by Commander Glass to the Navy Department.

Tradition records but one storm at all approaching this in violence, namely, that occurring on October 26 and 27, 1867, during which the U. S. S. Ossipee narrowly escaped foundering, and many vessels in the harbor were driven on shore.

In connection with the report of Lieutenant Symonds, the history of the storm in 1867, as obtained from the log-books of the Ossipee, which was outside, and of the Resaca, which was anchored inside, will have increased value, and it is herewith submitted, also a copy of Lieutenant Symonds' report, and of the log-books of the Jamestown, and Resaca, and Ossipee.

Log of the United States Ship Jamestown, Commander Henry Glass, off Sitka, Alaska, October 26, 1880.

[Moored head and stern.]

Hour.	Knots.	Fathoms.	Courses steered.	Winds.		Leeway.	Barometer.		Temperature.			State of the weather by symbols.	Forms of clouds by symbols.	Prop. of clear sky, in 10ths.
				Direction.	Force.		Height in inches.	Ther. att'd.	Air dry bulb.	Air wet bulb.	Water at surface.			
A. M.								°	°	°				
1	.....	.....	.....	E	2	.....	29.21	63	49	48	.....	o. c. r.	Nimb.	0
2	.....	.....	.....	E	5	.....	29.06	62	49	49	.....	o. c. q. r.	Nimb.	0
3	.....	.....	.....	E	10	.....	28.90	58	49	47	.....	o. c. q. r.	Nimb.	0
4	.....	.....	.....	E	10	.....	28.79	55	50	49	.....	o. c. q.	Nimb.	0
5	.....	.....	.....	E	9	.....	28.69	55	53	49	.....	o. c. p. q.	Nimb.	0
6	.....	.....	.....	E	8	.....	28.62	55	52	49	.....	o. c. p. q.	Nimb.	0
7	.....	.....	.....	E	7	.....	28.51	55	53	50	.....	o. c. p. q.	Nimb.	0
8	.....	.....	.....	E	5	.....	28.44	58	52	50	.....	o. c. q. r.	Nimb.	0
9	.....	.....	.....	NE	7	.....	28.32	61	55	54	.....	b. c. p. q.	Cir., cum., str.	4
10	.....	.....	.....	NE	9	.....	28.25	60	53	52	.....	o. c. q. r.	Cum., nimb.	0
11	.....	.....	.....	SE	11	.....	28.21	60	51	50	.....	o. c. q. r.	Cum., nimb.	0
							28.31	60	47	46				
Noon.	.....	.....	.....	SE	11	.....	28.55	60	44	41	.....	o. c. q. r.	Cum., nimb.	0
P. M.							28.73	60	40	39				
1	.....	.....	.....	SSE	12	.....	28.88	54	39	37	.....	o. c. q. r. s.	Nimb.	0
2	.....	.....	.....	SE	8	.....	28.96	52	40	38	.....	o. c. q. r. s. h. m.	Nimb.	0
3	.....	.....	.....	ESE	7	.....	29.01	53	43	41	.....	o. c. q. r. s. m.	Nimb.	0
4	.....	.....	.....	ESE	6	.....	29.03	51	42	38	.....	o. c. q. r. s. m.	Nimb.	0
5	.....	.....	.....	ESE	7	.....	29.05	54	41	38	.....	o. c. q. r. s. m.	Nimb.	0
6	.....	.....	.....	SW	7	.....	29.11	57	38	36	.....	o. c. q. r. s. m.	Nimb.	0
7	.....	.....	.....	ESE	6	.....	29.14	57	38	36	.....	o. c. q. r. s. h. l. t.	Nimb.	0
8	.....	.....	.....	SW	7	.....	29.18	55	39	37	.....	o. c. q. r. s. h. l. t.	Nimb.	0
9	.....	.....	.....	SSE	6	.....	29.22	56	39	36	.....	o. c. q. r. s. t.	Nimb.	0
10	.....	.....	.....	SSE	.....	.....	29.24	55	38	35	.....	o. c. q. r. s. h. t. l.	Nimb.	0
11	.....	.....	.....	SW	6	.....	29.25	55	38	35	.....	o. c. q. r. s. h. t. l.	Nimb.	0
Mid.	.....	.....	.....	SW	4	.....	29.27	54	38	36	.....	o. c. q. r. s. h.	Nimb.	0

REPORT OF LIEUT. F. M. SYMONDS.

U. S. S. JAMESTOWN, 3D RATE,
Sitka, Alaska, October 27, 1880.

SIR: I respectfully transmit to you the following report and accompanying chart, descriptive of the hurricane experienced by us October 26, 1880, at this place.

We can trace the first indications of it back to the 23d instant, at 6 p. m., at which time the barometer stood at 29.65, and the wind was from the east (p. c.). From this time the oscillations of the barometer with its steady downward tendency, the wind, and the clouds, the general direction of which was to northward, indicated distinctly the existence of an unusual and powerful atmospheric disturbance.

The barometer fell steadily to 29.10 October 25, 5 a. m., then rose to 29.46 at 2 p. m. on the same day, from which hour it fell steadily and rapidly, bringing the full strength of the storm upon us in about fifteen hours.

From 1 to 3 a. m. October 26, the mean rate of fall per hour of the barometer was .15, in considering which, the center of the hurricane can be placed at 50 miles distant at 1 a. m. The wind at that hour was (see chart) from the east (p. c.). It continued to blow steadily, but with increased force, from the east (p. c.) until 9.15 a. m., when it shifted to ENE. (p. c.), veering from that point to NE. (p. c.) during the hour. Force of wind at this time 9 to 11, blowing in heavy squalls.

The next shift was at 11.15 a. m. to SE. (p. c.) placing the center SW. (p. c.) from us. At this time the storm was at its extreme height, blowing with a force from 11 to 12 in heavy and violent squalls lasting from five to eight minutes, heeling the ship from 8 to 10 degrees, and raising in this closely land-locked anchorage a rough sea. Up to this time there had been a light fall of rain, but with the sudden and violent shifts of wind at 11.15 a. m. came snow, and shortly after hail. The temperature which had stood at 53° F. fell suddenly to 44° F. with this shift of wind, and continued to fall until 1 p.m., when it stood at 38° F. At meridian the wind was still from S E. (p. c.), but had slowly decreased in violence, and the squalls were less heavy and frequent.

It continued from that direction with decreasing force until 6 p. m., when it shifted to SW. (p. c.), which gave a bearing of NW. (p. c.) for its center. From that time until midnight, when its force was but 4, it veered from SSE. (p. c.) to SW. (p. c).

From 4 to 10 p. m. we experienced snow and hail squalls, accompanied by vivid flashes of lightning and heavy peals of thunder.

At 1.35 p. m. there were two shocks of an earthquake; the first of at least eight seconds duration, and the second, two or three. On the 27th, 6 a. m., a light shock was felt; also two in the evening at $9^h\ 10^m$ and at $11^h\ 15^m$. The one at $9^h\ 10^m$ p. m. was quite strong, but of very short duration.

TRACK.

At 1 a. m., 26th, the barometric changes place the center of storm 50 miles from the ship, and bearing south (p. c.), the wind then being from the east (p. c.). At 9.15 a. m. the strength of wind increased to from 10 to 11, which would place the center about 11 miles distant from us. This is comparatively estimated with the assumed position of center at $11^h\ 15^m$ a. m., when the wind hauled to SE. (p. c.), and the force increased to from 11 to 12. As at 11.15 a. m. the strength of the wind and its sudden and violent veering would place us within the limit of the hurricane's most powerful efforts, and as at 10.35 a. m. the barometer reached its lowest point, 28.20, we can safely assume our then position to be a point removed not more than 6 miles from the center. I assume here a calm belt with a diameter of 10 miles.

The rate of travel of the storm, deduced from positions at 9.15 a. m. and 11.15 a. m., is 5½ miles an hour.

The wind, as before stated, veering from SSE. (p. c.) to SW. (p. c.), from 4 p. m. to midnight, would give a general direction for the track, after clearing the coast line, of WNW. (p. c.). (See chart.)

The great number of sea-fowls in our immediate vicinity, noticeable when the hurricane was at its height, 11.15 a. m., would indicate our close proximity at that time to its center.

GENERAL REMARKS.

The track of the storm from the position of the center from 1 a. m. to that at 9.15 a. m. (see chart), would appear to require a gradual shift of wind from the east (p. c.), which was its direction at 4 a. m., when the center bore south (p. c.), to its position at 9.15 a. m., when the center bore SSE. (p. c.); but as the storm approached a continuous stretch of high land from the open sea, the right hand semi-circle, which infringed directly on the high lands, was naturally flattened by the same, thereby producing a wind steady in direction from the east (p. c.) from the oval-shaped side thus flattened.

This same action would account for the shifting of the wind from ENE. (p. c.) to NE. (p. c.), and *vice versa* from 9h to 10h a. m.

It would appear from the rapid and regular rate of rise of the barometer after the shift of wind to SE. (p. c.), that the storm increased its rate of motion, and that such is the fact I think can be easily demonstrated. We cannot help but assume the correctness of the flattening process resulting from the storm infringing on the high lands; and we have strong evidence for so doing, not only from the fact that the wind failed to shift regularly in compliance with the usual laws of revolving storms, but from the fact that the wind did not extend to a great altitude, which was made apparent the following day by the well-defined line of destruction of the trees on the mountain sides, which line was less than one thousand feet in elevation. Again, a flag placed by some of our officers on "Popoff Peak" remained intact, which in itself was proof conclusive.

Now, let the wind be banked up, as it were, against the mountain sides when the center of storm was at the position at 9.15 a. m. (see chart), and its course was to the north (p. c.); it, in its endeavor to pursue this course, could only work over in a northward and westward direction to its position at 11.15 a. m. (see chart); to which position the wind would have gradually veered to SE. (p. c.) had not the mountain intervened.

This obstacle to its gradual veering permitted us to receive the first shift from the SE. (p. c.) after the storm center left its position at 9.15 a. m. (see chart), which shift, acting with the compressed air or banked wind of the right-hand semicircle, must have been a sufficient re-enforcement to force the storm to the southward and westward. The compressed air, or banked wind, of semicircle had a tendency to force the center south (p. c.), and the SE. (p. c.) shift, acting in conjunction with this, to the westward of south; and as a resultant it takes a SW. (p. c.) course, shifting close around to the southward and eastward side of Mount Edgecomb until clear of it, then trending more to the westward as the resultant of the two forces would naturally urge it, after its departure from the position at 11.15 a. m., had its altitude permitted its passing directly over Mount Edgecomb.

EARTHQUAKES.

It may be important data for the scientific consideration of the relations which exist (if any do) between earthquakes and hurricanes, to mention that at the time of the occurrence of the shocks, 1.30 p. m., the center, from my deductions, must have been in close proximity to Mount Edgecomb, an extinct volcano; and that the general direction from which the first shock appeared to approach, was south (p. c.).

Very respectfully, your obedient servant,

F. M. SYMONDS,
Lieutenant and Navigator.

Commander HENRY GLASS, U. S. N.,
Commanding.

NOTE.—I was informed by Mr. Ivan Petroff, who was at Kodiak during this storm, that it began at that place on the evening of the 26th October, and lasted for three days, the strength of the gale being from NE. He did not observe the shifting of the wind.

The schooner Oonalaka arrived at Kodiak during the gale completely incrusted with ice.

HURRICANE OF OCTOBER 26, 27, AND 28, 1867.

On the 26th of October, 1867, the U. S. S. Ossipee, Capt. Geo. F. Emmons, left Sitka Harbor at 5 p. m., and at 11 p. m. was clear of the island, steering SE. by E. As she opened the passages she found a SE. breeze 5 to 6, and a "heavy sea rolling into the bay; weather squally with rain." During the same four hours, the Resaca, lying in Sitka Harbor, had light airs and calms.

The weather for preceding twenty hours having been partially overcast, with showers of rain and hail, and light SE. winds, barometer rising slowly from 30.14 to 30.20 at noon, and then falling slowly to 30.10 at midnight.

October 27.—The Ossipee, running by her log on a SE. by E. course, with a steadily increasing SE. wind, encountered during the afternoon a hurricane, of which the direction was ESE., force from 10 to 12, she having logged by 7 p. m. 54 miles on SE. by E. course.

Several reasons indicate that in course and distance thus logged there is an error.

First, the improbability of a ship making from 2½ to 3 knots almost dead to windward, against a wind marked 9 and 10, and a sea so heavy as to be characterized in remarks as "terrific," and coming aboard at all points, doing great damage and nearly foundering the ship.

In the remarks is noted, "8 to meridian, heavy sea carried away port-head and wheel rope."

Meridian to 4 p. m., strong wind, SE. with sea from same direction.

4 to 6 p. m., laboring heavily; heavy sea running; shipping a great many seas; carried away port-quarter boat.

6 to 8 p. m., carried away both bow boats and starboard waist-boat, and hatch-battens; ship laboring heavily; shipping seas from all points; fire-room floor covered and fires nearly extinguished; magazine flooded; water a foot deep on wardroom floor; and during all of this period the columns show "course SE. by E. 2½ knots."

The remarks justify the inference that the columns err, for "at 10 a. m. the ship was hauled off shore to SW. by S., and fore and main try-sails set," which were subsequently replaced as they blew away by the fore and aft storm sails, which remained on her throughout, a sure proof that she could not have been going within a point of the wind.

It is therefore fair to presume that from 10 a. m. till 7 p. m. she was running to the southward and westward, and that the four to six points of leeway recorded, about canceled the run of 54 miles. At 7 p. m. the wind shifted to ESE., and for five hours blew with a force of 12; sea very confused and heavy; the starboard waist-boat was carried away, and the starboard launch lifted by a sea, and thrown inboard, the davits being broken off. The sea which effected this must have come from the northward and westward, and thus is indicated that the center at this hour, 11.30 p. m., had passed very close to the ship.

Unfortunately, the record of the barometer is given only each two hours, and if correctly observed and recorded, it shows a remarkably slight disturbance of the mercury.

The probable position of the ship when the center of the storm passed was about 25 miles SW. of Biorka Island, or about 40 miles from Sitka Harbor. The log of the U. S. S. Resaca, lying at anchor in the harbor, furnishes therefor valuable data.

The action of the barometers on the two vessels was, on the 27th—

Time.	Ossipee.		Resaca.	
	Barometer.	Wind.	Barometer.	Wind.
2 a. m	30.10	SE. 5 and 6	30.04	E. 3
4 a. m	30.10	SE. 5 and 6	30.02	E. 1 to 3
6 a. m	30.10	SE. 5 and 6	29.99	E. 1 to 5
8 a. m	30.08	SE. 5 and 6	29.96	E. 2 to 5
10 a. m	30.08	SE. 6	29.94	E. 3 to 5
Noon	30.08	SE. 6	29.92	
2 p. m	30.08	SE. 7	29.85	E. 1 to 5
4 p. m	30.06		29.81	
5 p. m	.....	ESE. 9	.....	E. 2 to 5
6 p. m	30.04	ESE. 10	29.67	ESE. 4 to 9
8 p. m	30.00		29.58	
10 p. m	29.69	ESE. 12	29.52	E. 4 to 10
Midnight	29.65		29.40	

28*th*.—Just after midnight the wind with the Ossipee hauled SE. by S. 10, and barometer steadied, and at 2 a. m. to SSW. 10 and barometer

began rising, the rise continuing with clearing weather and sea moderating; wind falling to 9 and 8.

With the Resaca, the barometer continued to fall, the wind slightly increasing until 4 a. m.

The barometer and wind of both vessels were as follows:

Time.	Ossipee		Resaca.	
	Barometer.	Wind.	Barometer.	Wind.
2 a. m	29.65	SSW. 10	29.30	E. 7 to 9
4 a. m	29.67	SSW. 8	29.22	ESE. 7 to 9
6 a. m	29.70	SSW. 8	29.29	SSE. 4 to 10
8 a. m	29.75	SSW. 8	29.57	S. 4 to 6
10 a. m	29.82	SW. 7	29.69	SSW. 4 to 7
Noon	29.90	SW. 6	29.85	S. 4 to 7
2 p. m	29.94	SW. 4	29.91	S. 2 to 7
4 p. m	29.98	SW. 3	29.94	SSE. 2 to 7
6 p. m	30.00	SW. 3	29.99	SE. 2 to 5
8 p. m	30.02	SW. 3	30.02	ESE. 2 to 5
10 p. m	30.08	SSW. 3	30.01	SE. 2 to 7
Midnight	30.06	SSW. 3	30.03	SE. by S. 2 to 9

At 1 a. m. the Ossipee hauled up to SSE., and ran on this course 22 miles till 10 a. m., the remarks being as follows:

Until 4 a. m. deck flooded, all pumps working on bilge and not gaining, shipping a great many seas, ship laboring heavily, very heavy sea, heavy gale from southeast to south-southwest. At 10 she steered ENE. 12 miles, made the land, and then NNW. for 28 miles, when she reached the outer line of reefs, and at 7.45 p. m. anchored in Sitka Harbor.

The log shows that from midnight to 8 a. m. a very heavy sea prevailed, many coming on board, and although all of the pumps were kept going, they did not keep the ship free.

The discrepancies which are found in the log are undoubtedly due to the fact that every person capable of keeping a correct history of this storm had plenty of other work to attend to.

The log of the Resaca shows that during the 28th the effect of the gale in the harbor was very serious. At 4 a. m. the wind shifted in a terrific squall to southeast, the Russian steamer Constantine and ship Tzarovitch were driven ashore on Japonsky Island, and others dragged and collided. Working parties from the Resaca and Jamestown were kept busy saving the fleet, among which were the steamer John L. Stephens, the Russian vessels mentioned, and the Mameluke. The Stephens steamed through into the eastern harbor, where the holding ground is good, and rode out the gale safely with steam up.

This storm was beyond doubt a cyclone, and in many respects its action was similar to that of the one experienced by the Jamestown in 1880, and doubtless its course was almost identical.

The description of the hurricane of October, 1880, as given by Lieutenant Symonds covers nearly all of the points observed in the other gales recorded; they having evidently the same course and general characteristics, lacking, however, in force. A repetition of the descriptions is therefore unnecessary. I have studied his thoroughly and can suggest no alterations.

The data of the several storms reduced to the two elements of importance, namely, shift of wind, duration and strength from each point, and action of barometer were as follows:

Shift of wind and barometer action during fifteen revolving storms at Sitka.

Date.	Wind.			Barometer.	First force of gale.
	Direction.	Force.	Hours.		
August 14	E.	6 to 8	9	29.75 to 29.64	1 a. m.
	SE.	7 to 4	3	29.70 to 29.76	
September 12	E.	4 to 8	5	29.92 to 29.72	3 a. m.
	ENE.	6	1	29.68	
	NE.	7	3	29.65 to 29.62	
	SE.	7	3	29.63 to 29.72	
	SSE.	4 to 2	6	29.73 to 29.82	
October 7	ENE.	5 to 8	8	29.52 to 29.03	2 p. m.
	SSW.	6	1	29.02 to 29.14	
	SSE.	4 to 3	.....	29.14 to 29.20	
October 8	ESE.	7	1	29.18	1 a. m.
	SE.	7 to 8	4	29.18 to 29.20	
	S. by W.	8 to 7	5	29.23 to 29.38	
	SSW.	7 to 3	10	29.38 to 29.58	
October 22	ESE.	7	2	29.90 to 29.84	5 a. m.
	E.	7 to 8	7	29.84 to 29.78	
	E. by N.	8 to 6	4	29.70 to 29.60	
October 22 and 23	NE.	6 to 8	7	29.60 to 29.42	
	E.	8 to 9	12	29.39 to 29.16	
	E.	7 to 4	5	29.15 to 29.12	
	Variable.	3 to 4	3	29.13 to 29.17	
	SE.	4 to 6	4	29.17 to 29.30	
November 1	E.	6 to 8	6	29.60 to 29.55	2 p. m.
	Variable NE.	3 to 2	4	29.55 to 29.67	
November 12 and 13	E.	8	4	28.90 to 28.76	8 p. m.
	ENE.	8 to 9	5	28.71 to 28.53	
	NE.	8 to 5	7	28.53 to 28.69	
	E.	3	5	28.68	
December 10 and 11	ENE.	7 to 8	19	29.67 to 29.35	1 p. m.
	E.	6 to 4	4	29.35 to 29.43	
	SE.	3 to 8	12	29.44 to 29.67	
December 14	SE.	7 to 8	6	29.50 to 29.45	6 a. m.
	S. by W.	7	2	29.46 to 29.48	
	SW. to SE.	3 to 5	10	29.48 to 29.59	
1880.					
Jannary 21	ENE.	5 to 3	10	29.38 to 28.94	1 a. m.
	E.	5 to 2	5	28.88 to 28.72	
	SW.	8	1	28.72 to 29.08	
	SSW.	8	1	29.08 to 29.29	
	WSW.	8 to 2	3	29.31 to 29.42	
February 11	E.	5 to 6	4	29.61 to 29.41	1 a. m.
	ESE.	7	2	29.34 to 29.29	
	SE.	7	1	29.23	
	S.	7	3	29.23 to 29.26	
	SSW.	7 to 5	9	29.26 to 29.28	
April 6	NE.	4 to 8	5	29.59 to 29.53	
	E.	9 to 3	4	29.54 to 29.70	
	ESE.	5 to 8 to 3	8	29.70 to 29.85	
	E.	4	2	29.80 to 29.64	
September 5	ENE.	8	1	29.57	2 a. m.
	N.	8	2	29.57 to 29.41	
	NE.	8	2	29.40 to 29.37	
	ENE.	8	3	29.37 to 29.33	
	SSE.	9	1	29.37	
	ESE.	8 to 9	6	29.37 to 29.63	
	ESE.	6 to 2	3	29.68 to 29.75	
	Calm.	.....	.....	29.76	
October 10 and 11	SE.	5 to 8	5	29.84 to 29.76	
	SE.	7 to 9	9	29.75 to 29.52	
	S.	7 to 4	3	29.52 to 29.60	
	SW.	5 to 4	3	29.67 to 29.81	
	WSW.	5	1	29.84	
October 16	E.	2 to 5	2	29.21 to 29.06	
	E.	10 to 5	5	28.90 to 28.44	
	NE.	7 to 9	2	28.32 to 28.25	
	SE.	11	2	28.31 to 28.73	
	SSE.	12	1	28.88	
	SE.	8	1	28.96	
	ESE.	7 to 7	3	29.01 to 29.05	
	SW.	7	1	29.11	
	ESE. to SW.	6 to 4	6	29.11 to 29.27	

Barometric action.

Date.	Hours of warning.	Extremes of barometer.	Fall of barometer.	Number of hours of fall.	Extreme force of wind.	Direction when barometer began rising.
1879.						
Sept. 12	6	30.12 to 29.62	.50	11	8	SE.
Oct. 7	15	29.84 to 29.03	.81	15	8	SSW. squall.
8	None.	29.20 to 29.61	.....	.....	8	SSW. mod.
22	4	30.17 to 29.12	1.05	26	9	SE.
Nov. 1	60	30.65 to 29.54	1.11	64	8	NE.
12	16	29.56 to 28.54	1.12	24	10	NE.
Dec. 10	14	30.06 to 29.31	.75	15	8	ENE., SE.
14	33	29.94 to 29.46	.48	32	8	S. by W.
26	None.	29.16 to 30.05	.....	.....	8	NE.
1880.						
Jan. 15	49	29.55 to 28.85	.70	30	8	SSW.
21	30	29.58 to 28.84	.74	26	8	SW.
Feb. 11	4	29.82 to 29.23	.59	10	8	SSW.
Mar. 18	9	30.05 to 29.77	.28	10	8	S.
Apr. 6	9	29.80 to 29.53	.27	11	9	ESE.
Oct. 10	15	30.01 to 29.31	.70	.....	9	SSE.
26	56	29.65 to 28.21	1.44	64	12	SE.

The action of the wind and of the barometer of the Jamestown was so influenced by local causes that it is difficult to establish any laws governing the Sitka storms. Our warning by barometer fall was very uncertain, for in some cases a short moderate gale was preceded by a long-continued and marked fall; at other times we had but short warning of much heavier storms.

Of the seventeen storms described, fourteen were undoubtedly revolving gales, which passed up the coast to the westward of us. The wind shifted to the right in all cases, but in several cases (September 12, October 22, November 1, September 5, and October 26, of '67–'80), the first changes were to the left. I think that these indicate a course of center more to the eastward than shown on the track chart of gale of October 26, 1880, the bearing from Sitka being SSW., S., SE., SW., WSW., in many cases, which indicates that the impingement against the high land and consequent change of course occurs frequently considerably to the southward of Sitka, at times in the neighborhood of Whale Bay, 30 miles SSE.; they then follow the coast line to NNW., until sharply curved by the high land just north and east of the harbor, which produces an obstruction running east and west, and at the eastward trending to the south. The storm thus embayed seeks exit around the promontory of Cape Edgecomb, which is a high mountain, and, as soon as clear of it, travels rapidly up into the Gulf of Alaska, and when the center bears WNW. from Sitka this high land proves a barrier, and the pressure on the barometer is suddenly released with a SSW. squall. The correct history of one of these storms, when obtained by the automatic instruments of the Signal-Service station, lately established at Sitka, will furnish a standard by which the errors incident to the substitution of judgment, which undoubtedly affect more or less the records which I have collected, can be eliminated, and they thus increase in value.

In twelve of the fifteen storms the barometer began to rise with wind from SW. to SE. quadrants, the number being evenly divided. But with one exception the heaviest storms broke up with the SW. winds, frequently with heavy squalls which, fortunately for the ship, were the final ones, for striking us as they did on our broadside, they completely set-

tled the question as to whether well backed anchor, could drag, for snapping 85-inch hawsers, which made fast to bowlders, backed our heaviest stream anchors, which in time with long scopes backed our SE. bower, we dragged all and narrowly escaped going ashore abreast of the Indian ranche.

In conclusion, I would call attention to the fact that this collation establishes—

First. That the rainfall at Sitka has by previously obtained records either been overrated, or a remarkable exception to the usual weather occurred during our stay.

Second. That the region cannot be considered a stormy one, inasmuch as by far the greater proportion of our time the wind ranged from calm to gentle breezes.

Third. That the proportion of time during which the weather is fairly pleasant is fully equal to that in which it is unpleasant.

Fourth. That a regular land and sea breeze occurs almost daily throughout the late spring and summer.

Fifth. That most of the winter storms are revolving gales.

Sixth. That the barometer, although it generally gives warning of approaching gales, yet that its action cannot be altogether depended upon, as the pressure of the atmosphere is so much affected by local causes that frequently extreme depression may occur with no following storm to account for it.

Seventh. That a storm from southeast to northeast, although it may in Sitka Harbor prove but of moderate force, very frequently indicates that, but a short distance to the southward, a heavy revolving storm is passing, the approach of which has been checked by the high land to the southward and eastward. In such cases, however, there is always an unmistakable warning which, if heeded, will prevent a ship leaving the harbor, however fair may be the barometrical indications and moderate the weather. This warning is the surf upon the outlying chains of reefs and islands.

Upon numbers of occasions, when in the harbor we were experiencing pleasant weather and light winds, the surface of Vitzkari reef has been hidden by the immense breakers which dashed over it; and within five miles of the ship, at the entrance of the middle channel, Surf Rock proves a most valuable indicator, for a disturbance from anywhere to the southward makes of it an apparently lofty fountain.

During such heavy seas it is very seldom that enough penetrates the harbor to endanger a small boat, and our steam launches were safely moored near the ship and rode comfortably through the worst.

The track of the storm of the 26th October, 1880, accompanied the report of Lieutenant Symonds, and is reproduced on this accompanying section of chart of region. It probably represents as closely as I would be able to plot them the general tracks of our other storms. The barometrical action and shifts of wind are so affected by local causes in Sitka Harbor that they cannot be depended upon as furnishing positive data.

The other storms differed from that of 26th October, in that their centers did not approach so closely before veering to the westward.

It seems probable that during those of September 12th, October 22d, November 12th, 1879, and September 6th, 1880, the centers struck the coast considerably to the southward, traveled parallel to it for a short distance, and then diverged to the westward, passing well to south of Biorka Island, about as depicted in "general track," their centers having borne well to the southeast before turning.

PART IV.

TABULATED RECORD OF METEOROLOGICAL OBSERVATIONS OF THE U. S. STEAMER JAMESTOWN AT SITKA, ALASKA, FROM JUNE, 1879, TO DECEMBER, 1880, INCLUSIVE.

JUNE,

Day.	Winds. First part. Direction.	Force.	Average force.	Middle part. Direction.	Force.	Average force.	Last part. Direction.	Force.	Average force.	Average force 24 hours.	Hours of calm. First part.	Middle part.	Last part.	Total.
1	SSE. c.	4	4	SE. to E.	2 & 5	4	SE.	1 & 2	1.5	3.2	5	....	3	8
2	SE. c.	1	1	NE.	2 & 4	2.2	SW.	1 & 3	2	1.4	5	....	2	7
3	NE.	2 & 3	2.5	SW.	2 & 4	3.3	E.	3 & 4	3.8	3.2	....	....	....	....
4	ENE.	3 & 6	4	SWE.	3 & 6	4.1	E.	3 & 4	3.8	2.6	....	....	....	....
5	v. c.	1	1	SW.	1 & 2	1.5	c.	0	0	0.8	4	1	6	11
6	c.	0	0	SW.	1 & 2	1.7	W.	2 & 3	2.3	3.3	8	4	...	12
7	c.	0	0	SW.	1 & 2	1.5	c.	0	0	0.5	7	3	7	17
8	c.	0	0	SW.	1 & 3	2.8	SW.	1	1	1.3	8	1	5	14
9	SW.	1 & 3	2.2	SW.	1 & 2	1.5	W.	2 & 3	2.2	2	1	....	....	1
10	c.	0	0	SW.	1 & 2	1.8	SE.	1 & 2	1.6	1.1	6	4	2	12
11	E.	1 & 4	1.5	SW.	1	1	ENE.	1	1	1.2	4	7	...	11
12	SE.	1 & 4	1.6	SE.	1 & 2	1.6	E.	1 & 3	2.6	1.9	2	4	6	12
13	NE.	2 & 3	2.1	c.	0	0	c.	0	0	0.7	4	8	4	16
14	NW.	1	1	NW.	2-4	2.8	W.	4-5	4.3	2.7	....	....	....	....
15	W.	1	1	W.	1-3	2	W.	1-2	1.8	1.5	....	....	2	2
16	ENE.	1	1	E.	2-4	3.2	E.	2-4	3.6	3	5	....	....	5
17	ENE. SW.	2-4 1-3	3.8 2	SW.	3-4	3.5	SW. c.	1-4	2	2.9	....	....	3	3
18	c. SSW.	2	2	SSW.	1-4	2	SSW.	1-3	2	1.8	5	...	....	5
19	c.	.....	.....	W.	1-2	1.9	v.	1-3	1.2	1.5	8	....	1	9
20	c. SE.	1	1	c.	.....	.....	v. c.	1	1	1	3	6	3	12
21	v.	1-2	1.1	SSW.	1-2	1.3	v.	1	1	1.1	1	....	1	2
22	c.	.....	.....	SSW.	1-2	1.3	v.	1-3	1.5	1.4	6	....	....	6
23	v.	1-2	1.1	SW. SE.	1-4	2.4	SSE.	1-3	2	2	4	1	....	5
24	SSE.	1-3	2	SSW.	1	1	SW. c.	1	1	1.4	1	....	4	5
25	c. NE.	1	1	SSW. c.	1	1	SW. NE.	1 1	1	1	1	2	....	3
26	c. SSW.	1	1	SSW.	1-3	1.4	v.	1-2	1.5	1.4	1	....	....	1
27	c.	.....	.....	S.	2	2	SW. NE.	1 1	1	1.6	6	....	....	6
28	v.	1	1	SSW. c.	1-4	2.1	SW. NE.	1 1	1	1.4	1	1	1	3
29	c.	.....	.....	S.	1-3	1.7	S. NE.	1 1-2	1.5	1.5	8	....	....	8
30	c.	.....	.....	SW.	1-2	1.5	NW. c.	1	1	1.2	3	....	1	4
										1.7	107	42	51	200

The hours of calm are not included

1879.

Weather.																	
State of sky.			Rain.	Hours of—				Ther.			Wet bulb.			Bar.			
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{100}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
o. r. f.	b. c. q.	o. c. d.	18	...	0	8	10	14	48	55	51	47	51	50	29.92	30.19	30.03
b. c.	b. c.	b. c. m.	1	...	0	1	19	5	48	55	51.2	45	48	47	30.08	30.19	30.12
b. c.	c. d.	b. c. q.	4	...	0	0	20	3	48	53	51.5	45	49	47	30.02	30.10	30.07
b. c. and o. d.	o. q. p.	o. c.	6	...	0	0	1	23	50	53	48	45	48	47	29.84	29.98	29.86
o. r. m.	o. d. f.	o. d. f.	23	...	0	16	1	23	46	50	49.1	46	48	47.1	29.84	29.92	29.87
o. f.	o. m.	o. m.	3	...	0	24	2	22	46	53	48.6	45	49	47.3	29.93	30.16	30.15
o. m.	o. c. m.	c. f. l.	9	...	0	16	1	23	47	52	53.6	46	48	47.4	30.08	30.16	30.10
b. c. f.	b. c.	b. c.	0	...	0	8	16	8	49	61	51	48	54	51.7	29.89	30.09	29.97
b. c. f.	o. f. d.	o. c. f.	4	...	0	18	4	20	49	53	50	47	50	49.3	29.89	29.97	29.93
o. c. f.	o. c. d. f.	o. c. f.	6	...	0	18	0	24	46	51	48	47	50	48.5	29.86	30.00	29.90
o. c. f. p.	o. p. r. m.	o. c. d.	18	...	0	11	0	24	46	49	47	44	47	46	29.93	30.03	29.98
o. c. p. q.	o. c. r. m.	o. m. d. r.	19	...	0	19	0	24	46	50	47.3	44	46	45.2	29.91	30.14	30.04
o. r.	o. f. r.	o. f. r.	24	...	0	12	0	24	44	48	46	43	46	45.1	30.08	30.12	30.10
o. c. r.	b. c.	b. c.	4	...	0	0	17	6	46	50	48.4	46	49	47.7	30.06	30.22	30.15
o. c.	b. c.	c.	1	...	0	0	9	15	47	57	51.1	46	52	48.6	30.10	30.25	30.17
o. c.	o. c. q. r.	o. c. q. r.	14	...	0	0	1	22	48	52	50.2	47	51	48.7	29.88	30.11	29.97
o. c.	o. c. q.	o. c. d.	6	...	0	0	1	23	48	52	50	47	51	48.9	29.87	30.03	29.96
o. c. r.	o. c. d.	o. c. d.	21	...	0	10	0	24	47	51	49	47	50	48.5	30.04	30.17	30.13
o. c. d.	o. c.	c.	6	...	0	2	4	20	48	52	50.2	47	52	49.5	29.93	30.14	30.03
o. c. r.	c. f. d.	o. c. d. / b. c.	20	...	0	13	4	19	49	55	51.8	48	53	50.5	29.95	30.05	30.01
c. m.	b. c.	b. c. m.	0	...	0	9	14	9	50	59	53.5	49	56	51.6	30.02	30.05	30.04
c. f.	o. c. f.	o. c. f. d.	4	...	0	23	0	24	50	54	52.1	49	53	51	29.81	30.03	29.94
o. c. d. m.	o. c. f. r.	o. c. f. r.	24	...	0	21	0	24	51	55	52.3	50	53	51.2	29.77	29.84	29.82
o. c. f. r.	b. c. / o. c.	o. c. f.	6	...	0	14	4	20	50	55	51.7	49	54	50.8	29.90	30.00	29.97
o. c. p. f.	c. / b. c.	c. p.	2	...	0	2	3	21	49	56	52.1	48	54	50.6	30.00	30.06	30.04
o. c. r.	o. c. m. r.	o. c. m. r.	24	...	0	12	0	24	48	52	51.2	47	51	50.1	29.73	30.05	29.94
o. c. f. r.	c. / b. c.	b. c. p.	9	...	0	10	11	12	48	56	51.4	47	54	49.8	29.65	29.90	29.74
o. c. m. r.	c. f. r.	o. c. f. r.	13	...	0	15	6	18	49	54	51	48	52	49.8	29.90	29.95	29.93
o. c. f. d.	o. c. f.	c. f.	7	...	0	15	0	24	49	53	51	48	52	49.3	29.94	29.98	29.96
o. c. p.	o. c. f.	o. c.	2	...	0	3	2	20	48	54	51.8	47	53	50.4	29.98	30.06	30.01
			298		0	300	150	562			50.3			48.7			30.00

in the average force of wind.

JULY.

Day.	Winds.										Hours of calm.			
	First part.			Middle part.			Last part.			Average force, 24 hours.				
	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Direction.	Force.	Average force.		First part.	Middle part.	Last part.	Total.
1	v. c.	1-3	2.1	SE.	2-3	2.5	NE. c.	1	1	2	2	....	2	4
2	NNE. c.	1-2	1.5	SW.	2	2	v.	1-2	1.8	1.7	5	....	....	5
3	NW. c.	1-2	1.1	SW.	1-4	3.2	SW.	3-4	3.8	2.8	3	....	....	3
4	W.	3-5	3.6	SW.	2-4	2.4	W.	3-4	3.1	3	....	....	....	....
5	WNW.	1-2	1.7	W.	3-5	3.5	W. c.	1	1	3.4	....	....	1	1
6	E.	1	1	S.	1-3	1.4	SE. c.	1	1	1.2	2	1	3	6
7	SE.	1	1	S.	1-2	1.4	SSE.	1	1	1.1	....	....	....	....
8	SSE. c.	1-3	1.8	SW. c.	1	1	NE.	1	1	1.4	1	2	....	3
9	NE.	1-2	1.1	SW.	1-2	1.1	NE. c.	1	1	1.1	....	....	4	4
10	NE.	1	1	SW.	1-4	2	W.	4	4	2.3	....	1	....	1
11	WNW.	4	4	W.	4-5	4.8	W.	1-3	2.3	3.7	....	....	....	....
12	NE. c.	1	1	v. c.	1	1	v. c.	1	1	1	2	5	2	9
13	v. c.	1-2	1.4	NE.	2-3	2.5	NE. c.	1	1	1.8	2	....	2	4
14	v. c.	1	1	SE. c.	1	1	v. c.	1-3	2	1.5	5	....	3	8
15	v. c.	1-2	1.3	SW.	1-2	1.1	v. c.	2	2	1.5	2	1	4	7
16	v. c.	1	1	SW.	1-5	4.1	NW.	3-4	3.8	3.5	5	....	....	5
17	WNW.	2-4	3.2	W.	2-3	2.3	W.	2-3	2.5	2.8	....	....	....	....
18	v.	1	1	W.	2-4	3.3	W.	3-4	3.5	2.7	....	....	....	....
19	W.	2-4	3.4	W.	2	2	W.	1-2	1.5	2.3	....	....	....	....
20	v. c.	1	1	SW.	1-2	1.9	NE. c.	1	1	1.4	3	....	3	6
21	c.	.....	.....	SW.	1-2	1.7	SW.	1-2	1.2	1.3	6	....	....	6
22	W. c.	1	1	SW.	1	1	SW. c.	1	1	1	5	....	1	6
23	NW. c.	1	1	S.	1-2	1.8	SW.	1	1	1.3	4	....	....	4
24	c.	.....	.....	S.	1-2	1.5	SW.	1	1	1.3	8	....	....	8
25	v. c.	1	1	SW.	1	1	v.	1	1	1	6	....	....	6
26	v. c.	1	1	SE.	1-2	1.1	W.	2-3	2.5	1.8	5	....	....	5
27	W.	1	1	SW.	2-3	2.1	v.	1-2	1.1	1.5	....	....	....	....
28	v.	1	1	v.	1	1	v.	1	1	1	....	1	3	4
29	E.	1	1	SW.	1-3	2.3	NE.	1	1	1.6	....	....	....	....
30	NE. c.	1	1	SW. c.	1	1	c.	.....	.....	1	5	6	8	19
31	NE. c.	1	1	SW.	1-4	2	W. c.	2-3	2.8	1.8	3	....	2	5
										1.8	74	17	38	129

1879.

Weather.																	
State of sky.			Rain.		Hours of—				Ther.			Wet bulb.			Bar.		
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{10}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
o. c. r.	o. c. r.	o. c. f.	18	..	0	16	0	24	49	56	52.4	48	54	51.4	29.91	30.02	29.96
b. c.	b. c.	b. c.	....	..	0	0	22	2	48	61	54	47	57	51.6	29.98	30.12	30.07
b. c.	b. c.	o. c.	....	..	0	0	21	3	50	60	54.5	49	58	53.3	29.96	39.10	30.02
c.	o. c.	o. c.	....	..	0	5	2	17	49	57	52.3	48	54	50	29.91	30.00	29.94
o. c.	b. c.	b. c.	....	..	0	0	17	7	51	57	52.6	47	55	49.9	29.92	30.05	29.97
b. c.	c. m. r.	o. c. r.	14	..	0	3	6	18	48	53	51.7	47	52	50.4	30.05	30.12	30.08
o. c. r.	o. c. r.	o. c. r.	18	..	0	9	0	24	52	55	53.4	51	55	52.4	29.84	30.05	29.96
o. c. r.	o. c. d.	o. c. m.	12	..	0	20	0	24	47	53	50.6	46	52	49.7	29.81	29.90	29.88
o. c. r.	o. c.	b. c.	5	..	0	0	14	10	45	52	48.9	44	51	47.6	29.82	29.92	29.88
b. c.	b. c.	b. c. q.	....	..	0	0	24	0	45	60	52.1	43	56	50.2	29.82	29.89	29.85
b. c.	b. c.	b. c.	...	..	0	0	23	1	51	56	53.1	50	53	50.9	29.81	29.85	29.84
o. c.	o. c. d.	o. c. p.	18	..	0	19	0	24	50	54	52.2	50	53	51.4	29.64	29.89	29.71
{ b. c. / o. c. d. }	b. c.	b. c.	2	..	0	3	21	3	49	65	56.4	49	60	53	29.70	29.98	29.84
b. c.	b.	b. c.	....	..	0	0	24	0	49	69	60.4	48	67	57.8	29.92	30.00	29.95
b. c.	b. c.	b. c.	....	..	0	0	24	0	53	65	58.7	52	62	56.5	29.93	30.01	29.96
b. c.	b. c.	b. c.	....	..	0	0	24	0	51	64	58	50	59	55.5	30.01	30.16	30.08
c.	o. c.	o. c.	1	..	0	1	3	13	54	58	55.4	53	56	54	30.16	30.20	30.17
o. c. m.	c.	o. c.	....	..	0	3	0	24	53	56	54.8	52	55	53.8	30.06	30.19	30.13
o. c.	o. c.	o. c.	....	..	0	0	0	24	52	56	54	51	55	52.6	30.00	30.06	30.14
o. c.	o. c.	b. c.	....	..	0	0	9	15	53	64	56.8	52	52	55.1	29.97	30.01	29.9
b. c.	b. c. m.	o. c.	....	..	0	20	10	12	52	61	55.7	51	59	54.5	30.00	30.17	30.0
o. c. m.	b. c.	o. c.	....	..	0	12	9	15	55	60	57.1	54	59	56	30.19	30.30	30.26
o. c. m.	b. c.	b. c.	....	..	0	9	15	9	55	63	58.1	54	61	56.5	30.30	30.36	30.33
c.	b. c. f.	b. c. f.	1	..	0	12	10	12	55	61	56.7	54	60	55.6	30.25	30.33	30.29
o. c. r.	b. c.	o. c. r.	6	..	0	8	8	15	56	66	60.2	55	64	58.7	30.19	30.26	30.21
o. c. r.	o. c. p.	o. c. m.	14	..	0	11	1	23	56	64	58.9	55	62	57.7	30.17	30.20	30.19
c. r.	b. c.	b. c.	3	..	0	4	13	11	54	63	57.2	53	58	55.2	30.01	30.19	30.11
c. r.	b. c. p.	b. c. p.	14	..	0	1	6	14	51	59	55.7	50	58	54.8	29.89	29.98	29.94
b. c.	b. c. p.	b. c.	2	..	0	0	21	0	49	59	53.7	48	56	52.1	29.83	30.01	29.90
c. m.	c. d. m.	c. m. p.	8	..	0	10	7	15	49	59	54.9	48	58	53.8	30.02	30.22	30.13
b. c. m.	b. c.	o. c.	1	..	0	4	16	8	55	64	57.3	54	60	55.6	30.22	30.25	30.24
			137	..	0	170	351	367			55.1			5347			30.00

AUGUST,

Day.	Winds.									Average force, 24 hours.	Hours of calm.			
	First part.			Middle part.			Last part.							
	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Direction.	Force.	Average force.		First part.	Middle part.	Last part.	Total.
1	c. NE.	1	1	c. SW.	1-2	1.1	SW. c.	1-3	1.8	1.5	3	2	....	5
2	NE. c.	1	1	SW.	2	2	v.	1	1	1.3	1	....	1	2
3	NE. c.	1	1	SW.	1-2	1.1	c. v.	1	1	1.3	3	....	2	5
4	NE. c.	1	1	SW.	1-3	2	SW. c.	1	1	1.4	1	....	1	2
5	v. c.	1	1	W. SW.	2-4	3.1	W. c.	1-2	1.2	2.2	2	....	1	3
6	NE. c.	1-2	1.2	c. S.	1-2	1.2	c. v.	1	1	1.5	2	2	3	7
7	NE. c.	1	1	E. SW.	1	1	c. v.	1	1	1.1	2	....	3	5
8	c.	.....	.....	SW.	1	1	W. NE.	2 2-1	2 1.2	1.3	5	....	1	6
9	c. NE.	1	1	E.	1-3	1.3	W.	1	1	1.3	2	1	....	3
10	c. E.	3-7	5.4	E. SW.	3-4 1	3.8 1	c. v.	1	1	3.2	1	...	3	4
11	c. v.	1	1	SSE.	1	1	c. v.	1	1	1	5	1	5	11
12	c.	.....	.....	c. v.	1	1	c. NE.	1	1	1	8	2	3	13
13	e.	1-2	1.1	E. SW.	2 1-2	2 1.3	E.	2-6	3.8	2	....	1	....	1
14	e.	6-8	7	SE.	2-7	4.2	SE.	2-3	2.1	4.3	....	....	....	....
15	e.	1-2	1.5	SE.	1-4	3	SE. c.	1-2	1.1	2.3	1	....	5	6
16	c. E.	1-2	1.3	SE.	1-5	2.7	E.	1-4	2.5	2.2	1	....	....	1
17	SE.	2-4	3.4	SE.	2-1	1.8	SE.	1-6	3.2	3.8	....	1	....	1
18	SE. NE.	4 1	4 1	NE. SE.	1-3	1.6	ESE.	2	2	1.9	1	1	....	2
19	c. NE.	1	1	c. SW.	2	2	NE.	1	1	1.2	1	1	....	2
20	c. NE.	1	1	c. SW.	1-2	1.5	c. NE.	1	1	1.2	2	1	3	6
21	c. NE.	1	1	SSE.	2-3	2.1	NE.	1	1	1.6	3	....	....	3
22	NE. c.	1	1	E. SW.	1 2	1 2	SW. c.	1	1	1.3	4	....	5	9
23	c.	.....	.....	c. W.	2-4	3.2	W. NE.	2-3 1	2.1 1	2.4	8	3	....	11
24	c.	.....	.....	c. SW.	1-3	1.8	c. NE.	1	1	1.4	8	1	4	13
25	NE. c.	1	1	SW.	1-4	2.6	SW. c.	3-5	3.2	2.3	2	....	1	3
26	v.	1	1	W.	1-3	2.4	W. c.	2-4	3.1	2	....	....	3	3
27	c.	.....	.....	S.	1	1	c. v.	1	1	1	7	1	2	10
28	c.	.....	.....	c.	.....	.....	c.	.....	.....	.....	8	5	8	21
29	SE. E.	2-5	3	SE.	1-5	2.5	NE.	2-5	3.8	3	....	....	....	....
30	ENE.	2-4	3.3	ENE.	3-5	3.5	ENE.	1-4	2.5	3.2	....	....	....	....
31	ENE.	1-4	3.8	ENE.	1-2	1.2	ENE.	1-3	2	1.9	....	....	....	....
										1.84	81	23	54	158

1879.

Weather.																	
State of sky.			Rain.		Hours of—				Ther.			Wet bulb.			Bar.		
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{100}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
c.	b. c.	b. c.	....	..	0	0	22	2	52	64	57	53	[illegible]	54. 8	30. 17	30. 25	30. 21
c.	b. c.	b. c.	1	..	0	2	21	3	51	62	56	50	[illegible]	54	30. 09	30. 17	30. 12
c.	b. c.	b. c.	....	..	0	0	22	2	53	64	58. 6	53	60	57	30. 10	30. 17	30. 14
c.	b. c.	b. c.	....	..	0	0	24	0	50	67	59. 4	49	62	56. 8	30. 16	30. 22	30. 19
c.	b. c.	b. c.	....	..	0	0	24	0	52	70	60. 8	51	69	58. 3	30. 04	30. 14	30. 11
c.	b. c.	b. c.	....	..	0	0	24	0	53	69	61	52	68	60. 1	29. 90	30. 04	29. 96
c.	b. c. p.	o. c.	1	..	0	0	13	10	57	62	58. 9	57	60	58. 3	29. 87	29. 93	29. 90
c.	b. c.	b. c.	2	..	0	1	13	10	56	64	60. 2	55	63	59. 2	29. 92	30. 16	30. 08
c.	b. c.	b. c. p.	2	..	0	0	20	4	52	70	61. 5	51	69	60. 6	29. 92	30. 14	30. 05
o. c. q. r.	o. c. r.	c. d.	23	..	0	0	0	24	57	61	60. 2	56	60	59. 5	29. 84	30. 06	29. 94
o. c. p.	o. c. p. m.	o. c.	4	..	0	10	4	20	57	60	59	56	61	57. 9	30. 02	30 14	30. 09
o. c. r.	o. c. r.	b. c.	15	..	0	4	8	16	52	59	56. 4	51	58	55. 7	29. 89	30. 01	29. 96
o. c. r.	b. c.	o. c. d.	3	..	0	0	10	14	52	60	56. 1	52	56	54. 5	29. 75	29. 98	29. 92
o. c. p. q.	o. c. q. r.	o. c. p.	12	..	0	0	4	16	53	62	57. 6	52	57	55. 2	29. 64	29. 88	29. 75
o. c. p.	b. c. p.	o. c. p.	3	..	0	0	9	9	53	59	56. 2	52	56	54. 2	29. 85	30. 01	29. 89
o. c. r.	o. c. p. q.	o. c. q.	14	..	0	9	0	21	54	60	56	54	59	55. 4	30. 03	30. 20	30. 12
o. c. r.	o. c. r.	o. c. q. r.	24	..	0	0	0	24	52	58	55. 6	51	57	54. 5	29. 63	30. 04	29. 80
o. c. r.	o. c. q. r.	o. c. p.	18	..	0	0	0	24	49	56	52. 9	49	55	51. 9	29. 62	29. 71	29. 67
b. c.	b. c.	b. c.	1	..	0	0	23	1	46	60	54. 3	45	59	52. 7	29. 60	29. 80	29. 69
b. c.	c. p.	b. c.	1	..	0	0	21	2	49	60	54. 2	48	58	52. 9	29. 82	29. 90	29. 86
b. c.	b. c.	b. c.	0	..	0	0	24	0	46	52	55. 1	44	60	52. 5	29. 64	29. 84	29. 73
b. c.	b. c.	b. c. d.	4	..	0	0	20	3	49	67	58. 1	48	65	56. 3	29. 65	29. 78	29. 72
b. c.	b. c.	b. c.	0	..	0	0	24	0	51	70	58. 2	50	63	56. 4	29. 52	29. 70	29. 58
b. c.	b. c.	b. c.	0	..	0	0	24	0	49	69	59. 3	49	67	57. 4	29. 63	29. 84	29. 78
b. c.	b. c.	b. c.	0	..	0	0	22	2	52	65	58. 9	51	64	56. 4	29. 92	30. 00	29. 97
b. c.	b. c.	c.	0	..	9	0	18	6	46	63	56. 5	44	60	53. 9	29. 91	29. 97	29. 94
o. c.	o. c. d.	o. c. d.	11	..	0	12	0	24	54	57	56	54	56	55	29. 92	29. 91	29. 76
o. c.	o. c. d.	o. c. d.	11	..	0	9	0	24	54	59	56. 5	53	59	55. 6	29. 53	29. 67	29. 63
o. c. q.	b. c. q.	o. c. p. q.	8	..	0	4	4	14	52	59	56. 2	50	57	54. 5	29. 43	29. 69	29. 56
o. c. r.	o. c. p. q.	o. c. q. r.	18	..	0	0	0	24	50	55	53	49	54	51. 9	29. 71	29. 88	29. 80
o. c. r.	o. c. p.	b. c.	11	..	0	0	6	18	53	57	54. 6	53	57	53. 5	29. 90	30. 02	29. 97
			187		0	53	404	320			57. 2			55. 7			29. 90

JANUARY,

Day.	Winds.												Hours of calm.			
	First part.			Middle part.			Last part.			Hours.						
	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Average force, 24	First part.	Middle part.	Last part.	Total.
1	E.	1-3	2.5	ENE.	3-6	4.6	ENE.	2-6	3.4	3.5	....	....	....	....
2	ENE.	1-3	2	SE.	1-4	2.5	E.	1-4	3	2.5	....	....	....	....
3	c. / SE.	1-3	1.7	SE. / NE.	1-2	1.5	c. / NE.	1	1	1.3	2	2	2	6
4	ENE. / ESE.	3-5	4	ESE.	4-5	4.1	ENE. / W.	4-2 / 1-2	3.4 / 1.8	3.6	....	....	....	....
5	c.	.....	.....	W.	2	2	W. / ENE.	1-2 / 1-3	1.4 / 2	1.9	7	....	....	7
6	c.	.....	.....	E.	3-9	5.5	E.	4	4	4.1	5	....	....	5
7	NE.	1-3	2	ENE.	1-4	2.3	WNW. / c.	1-3	1.3	1.9	....	....	2	2
8	c. / NW.	1-4	2.3	c. / v.	1-4	1.8	c. / v.	1	1	1.4	1	1	4	6
9	W.	1-2	1.3	WSW.	1-3	2.4	NE.	1-4	2.4	1.8	....	....	....	....
10	ESE.	2-5	4.4	E.	5-6	5.2	NE.	2-3	2.3	3.7	....	....	....	....
11	c. / SE.	1-2	1.1	c. / SE.	1-2	1.3	NE.	1	1	1.2	1	1	....	2
12	E.	4-8	6.3	NE. / SE.	7 / 7-3	7 / 5	SE.	1-4	2	4.5	....	....	....	....
13	SE. to E.	1-2	1.3	E.	1	1	ENE.	2-6	3.5	1.9	....	....	....	....
14	ENE.	5-7	6	ENE.	2-5	4	c. / SE.	2-4	2.8	4.4	....	....	2	2
15	SE. / SW.	3-4 / 5-1	3.5 / 3	SW.	1-2	1.1	NE.	1	1	1.6	1	....	....	1
16	NE.	1-3	1.5	W.	1-2	1.2	c. / v.	1	1	1.3	....	....	5	5
17	v.	1	1	c.	.....	.....	c.	.....	.....	1	....	7	6	13
18	SW. / c.	1	1	SW.	1	1	c.	.....	.....	1	6	2	6	14
19	c.	.....	.....	SW.	1-3	1.7	c.	.....	.....	1.7	8	....	7	15
20	c.	.....	.....	c. / S.	1	1	c.	.....	.....	1	8	4	6	18
21	c. / NE.	1	1	v.	1	1	v. / c.	1	1	1	5	....	4	9
22	c. / SW.	1-2	1.1	c. / SE.	1-3	2	SE. / c.	1-2	1.2	1.6	3	....	3	6
23	c.	.....	.....	c. / SW.	1	1	WSW.	1-2	1.6	1.4	7	3	2	12
24	c. / v.	1	1	E.	1	1	c. / SE.	1	1	1	3	1	7	11
25	v. / c.	1	1	c. / W.	1	1	ENE.	2-7	5	2.1	2	1	....	3
26	ENE. / c.	2-4	3	SE.	1-4	2.5	ENE.	1	1	2.2	1	1	....	2
27	NE. / c.	1	1	E.	1-4	1.5	c. / v.	1	1	1.3	2	....	2	4
28	NE. / c.	1	1	v.	1-4	1.8	c. / v.	1	1	1.5	1	1	2	4
29	v.	2-3	2.4	E. N. E. / ESE.	1-2	1.6	ENE.	1	1	1.9	....	....	1	1
30	ENE.	1-2	1.8	c. / SW.	1-3	1.4	NE.	1-4	2	1.4	1	2	....	3
										2.03	64	26	61	151

1879.

Weather.																	
State of sky.			Rain.	Hours of—				Ther.			Wet bulb.			Bar.			
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{100}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
c. p.	c. q. d.	o. c. r.	10	...	0	12	1	23	53	57	55	51	55	53. 4	29. 81	29. 99	29. 90
o. c. r.	o. c. r.	o. c. d.	23	...	0	0	0	24	53	58	55	52	56	53. 7	29. 78	30. 01	29. 88
o. c. r.	o. c. p.	o. c. q. d.	12	...	0	5	2	22	54	57	55. 2	52	56	54. 1	30. 04	30. 23	30. 16
o. c. r.	o. c. q.	b. c. q.	6	...	0	1	8	16	54	62	58. 8	53	61	57	30. 06	30. 17	30. 13
b. c.	b. c.	b. c. p.	1	...	0	0	16	8	51	64	57. 4	50	62	56. 1	29. 67	30. 02	29. 82
o. c.	o. c. q. d.	o. c. q.	2	...	0	0	0	24	55	64	58. 7	54	61	56. 9	29. 26	29. 65	29. 42
o. c. p.	o. c. q.	o. c.	4	...	0	0	4	20	52	59	56. 5	51	57	55. 2	29. 26	29. 53	29. 39
o. c. d.	b. c.	b. c.	4	..	0	0	14	10	53	66	57. 1	52	62	55. 1	29. 18	29. 40	29. 24
o. c. r.	o. c. p.	o. c. p.	14	...	0	0	1	15	53	57	54. 6	52	55	53. 4	29. 38	29. 84	29. 64
o. c. q.	o. c. q. r.	o. c. r.	16	...	0	0	3	21	51	55	52. 7	50	54	51. 6	29. 60	29. 84	29. 69
o. c. p.	o. c. r.	o. c. r.	19	..	0	0	0	24	52	58	54. 8	51	57	53. 7	29. 78	30. 13	30. 00
o. c. q. r.	o. c. q. r.	o. c. p.	18	...	0	0	0	20	52	55	53. 5	51	54	52. 2	29. 62	29. 92	29. 78
o. c. p.	o. c. p.	o. c. p q.	13	...	0	1	1	20	50	55	51. 8	48	53	50. 5	29. 85	29. 91	29. 88
o. c. q. r.	o. c. q. r.	o. c. r.	24	...	0	4	0	24	50	56	52. 5	48	54	51. 3	29. 75	29. 87	29. 79
o. c. r.	o. c. p.	o. c. m.	5	...	0	12	1	23	51	57	54. 7	50	56	53. 7	29. 86	30. 31	30. 15
o. c. m.	b. c.	b. c. r.	3	...	0	2	12	11	51	59	54. 1	50	57	52. 8	30. 19	30. 30	30. 26
o. c. p.	o. c. r.	o. c. d.	19	...	0	4	0	24	52	59	55. 2	51	58	54. 4	30. 12	30. 30	30. 19
o. c. m.	b. c. f.	b. c.	0	...	0	14	14	10	53	61	56. 4	52	60	55. 2	30. 15	30. 30	30. 22
b. c.	b. c.	b. c. f.	0	...	0	9	19	5	53	65	57. 1	52	62	55. 7	30. 16	30. 19	30. 18
b. c. m.	b. c.	b. c.	0	...	0	9	24	0	52	72	59. 2	51	65	56. 7	30. 07	30. 17	30. 11
b. c.	b. c. f.	b. c. m.	0	...	0	8	24	0	50	75	59. 3	49	71	57. 3	29. 95	30. 04	29. 98
o. c. m.	o. c. m.	c. r.	4	...	0	17	2	22	53	57	54. 8	52	56	53. 8	30. 02	30. 12	30. 08
o. c. m.	o. c. d.	o. c. d.	17	...	0	16	0	24	53	56	54. 6	51	55	53. 5	29. 87	30. 09	29. 97
o. c. d.	b. c. m.	o. c.	6	18	0	1	9	15	52	57	53. 7	51	55	52. 6	29. 84	29. 92	29. 90
o. c.	o. c. d.	o. c. d. q.	17	31	0	0	0	24	50	58	52. 4	49	56	51. 3	29. 29	29. 82	29. 57
o. c. r.	o. c. q. r.	o. c. p.	19	105	0	0	0	24	52	56	54. 1	51	55	53	29. 21	29. 39	29. 31
b. c. p.	b. c.	b. c.	4	7	0	0	16	0	48	58	52. 4	47	56	51. 2	29. 20	29. 34	29. 26
b. c.	b. c. p.	o. c.	4	17	0	0	16	4	46	57	50. 9	45	55	49. 8	29. 27	29. 56	29. 41
b. c. p.	b. c. p. s. q.	b. c.	2	5	1	0	18	0	44	54	48	43	53	46. 8	29. 55	29. 70	29. 64
b. c.	o. c. r.	o. c. d.	11	75	0	3	7	17	39	48	44. 2	38	47	43. 2	29. 45	29. 63	29. 52
			277	$3\frac{18}{80}$ *	1	118	212	474			54. 5			53. 2			29. 86

*7 days' observations.

OCTOBER,

Day.	Winds.										Hours of calm.			
	First part.			Middle part.			Last part.			Average force, 24 hours.	First part.	Middle part.	Last part.	Total.
	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Direction.	Force.	Average force.					
1	NE.	1-2	1.5	NE. c.	1	1	SE. NE.	1-2 1-2	1.5 1.5	1.4	....	1	....	1
2	ESE. NE.	2-6	3.9	NE.	3-6	4.7	NE.	2-4	3	3.8	....	....	....	0
3	c. v.	1	1	NW. NE.	1-2	1.2	c. v.	1	1	1.3	3	....	2	5
4	v.	1	1	v.	1-2	1.4	NE.	1	1	1.2	1	....	....	1
5	NE. c.	1-2	1.2	SSW.	1-2	1.3	NE.	1	1	1.1	4	2	....	6
6	c. v.	1-2	1.1	c. W.byS.	1-2	1.2	NE.	1-2	1.5	1.3	1	1	....	2
7	c. NE.	1	1	ENE.	3-8	5.4	ENE. S.	7-8 3-5	7.8 4	4.5	2	....	....	2
8	SE. SSW.	7-8	7.5	SSW.	5-8	6.1	SSW. NE.	3-6 2-3	4 2.1	5.5	....	....	....	0
9	WNW. to SSW.	2-3	2.4	SW. NE.	2-4 1-2	2.2 1.2	NE.	1	1	1.8	....	....	....	0
10	NE.	1	1	NE.	2-5	3	NNW.	3-5	4	2.6	....	....	....	0
11	NW.	4	4	WNW.	3-5	4	NNW. NE.	1-3 1-2	1.8 1.4	3.1	....	....	....	0
12	NE. c.	1	1	NE.	1	1	NE.	1-6	3.4	1.8	1	....	....	1
13	NE. NW.	3-5 1-2	4.1 1.1	NE. c.	1	1	NE.	1-4	1.2	1.9	....	1	....	1
14	NE.	1	1	c. v.	1-2	1.1	v.	1-2	1.1	1.2	....	4	....	4
15	NE.	1-2	1.2	NE.	1-2	1.5	NE. c.	1	1	1.3	....	....	3	3
16	v.	1	1	SE.	1-4	2	v.	1-4	2.1	1.7	....	...	....	0
17	NE.	1-3	2.8	E.	2-4	2.5	NE.	1-2	1.3	2.1	....	....	....	0
18	NE.	1	1	c. v.	1	1	NE. c.	1	1	1.2	0	3	3	6
19	NE.	1	1	NE.	3-6	5	ENE.	2-7	5.2	4	...	....	....	0
20	NE.	2-6	3.3	ENE.	1-3	2.5	v.	1	1	2.5	....	....	1	1
21	NE.	1-3	1.6	E.	1-3	2	NE.	1-3	2.2	1.8	....	....	....	0
22	ESE.	3-7	5.6	E.	7-8	7.1	NE.	6-8	7.2	6.7	....	....	....	0
23	E.	7-9	8.2	E.	8-4	7	SE.	4-6	4.8	6.5	....	....	....	0
24	SE.	4-6	4-7	SE.	2-5	4	NE.	4-5	4.6	4.4	....	....	....	0
25	ENE. SE.	4-5 1-3	4.8 2.1	E.	2-3	2.8	NE. SW.	2 3-1	2 1.8	2.7	....	....	....	0
26	SE.	1-4	2.6	SE.	2-3	2.5	SE.	1-3	2	2.5	....	....	....	0
27	SE.	1-3	2.1	SE. SW.	1-4 1-5	2.1 3.5	v.W.	1-2	1.7	2.2	....	....	....	0
28	WNW.	4	4	c. v.	1	1	NE.	1-2	1.2	2	....	1	....	1
29	c. NW.	1	1	v.	1	1	c. v.	1	1	1	1	...	2	3
30	c. v.	1	1	c. v.	1	1	v. c.	1	1	1	3	4	1	8
31	c. NE.	1	1	c. NE.	1	1	c. NE.	1	1	1	1	3	2	6
										2.5	17	20	14	51

1879.

Weather.																		
State of sky.			Rain.	Hours of—				Ther.			Wet-bulb.			Barometer.				
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{100}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average,
									°	°	°	°	°	°			
b. c.	b. c.	b. c.	0	0	0	0	24	0	35	60	46	35	57	44. 6	29. 58	29. 94	29. 83
b. c. q.	b. c. q.	c. q.	0	0	0	0	13	11	47	52	49. 2	44	49	47. 2	29. 10	29. 82	29. 37
b. c.	o. c. r.	b. c.	7	8	0	0	11	13	46	52	49. 1	45	51	48	29. 04	29. 20	29. 11
b. c.	b. c.	c.	0	0	0	3	18	6	44	57	48. 7	43	54	47. 1	29. 20	29. 30	29. 27
b. c.	b. c.	b. c.	0	0	0	0	24	0	43	63	50. 3	42	59	48. 9	29. 21	29. 52	29. 31
b. c.	b. c.	b. c.	0	0	0	0	24	0	42	61	48. 8	41	57	47. 3	29. 53	29. 87	29. 75
b. c.	c. r. q.	c. r. q.	14	70	0	1	5	19	43	51	46. 9	42	50	45. 7	29. 03	29. 89	29. 50
o. c. q. r. h.	o. c. q. r.	o. c. b. c.	10	91	2	2	4	20	46	51	49	45	49	47. 6	29. 18	29. 65	29. 42
o. c. r. h.	b. c. h. l.	b. c. p.	7	24	2	0	7	4	42	50	45. 7	41	49	44. 6	29. 68	29. 88	29. 76
b. c.	b. c. q.	b. c. q.	0	0	0	0	24	0	36	49	41. 8	35	45	39. 7	29. 88	29. 99	29. 92
b. c.	b. c. q.	b. c.	0	0	0	0	24	0	37	55	45	35	48	41. 5	30. 02	30. 22	30. 15
b. c.	o. c. d. s.	o. c. q. r. d.	15	25	2	3	3	21	36	45	41. 4	35	44	40. 3	29. 34	30. 12	29. 78
b. c.	b. c.	b. c.	0	5	2	1	21	3	34	57	43. 5	32	56	42. 1	29. 32	29. 62	29. 54
b. c.	b. c. m.	b. c. r. s.	3	20	3	3	16	4	34	57	43. 3	33	55	42	29. 61	29. 73	29. 67
b. c. r.	o. c. r.	o. c.	10	55	2	1	3	20	36	45	41. 6	35	44	40. 7	29. 44	29. 77	29. 69
o. c.	b. c.	c. s. p.	1	14	4	0	8	14	39	47	42. 9	38	46	42	29. 27	29. 64	29. 42
b. c. q.	b. c. p. s.	b. c.	1	11	3	0	19	2	32	47	38. 6	32	46	37. 5	29. 65	29. 75	29. 70
b. c.	b. c.	b. c.	0	0	0	0	24	0	30	45	35. 2	...	43	....	29. 63	29. 77	29. 71
b. c.	o. c. q. s.	o. c. q. s. r.	4	51	3	6	11	12	29	44	37. 5	..	41	....	29. 56	29. 80	29. 72
o. c. p. l.	o. c. p. h.	o. c. p. r. h.	8	39	8	4	0	21	36	46	40. 3	36	45	39. 8	29. 54	29. 85	29. 64
o. c. p. s.	b. c. p.	o. c. p.	6	32	1	1	9	14	39	49	43. 7	38	48	42. 9	29. 86	30. 17	30. 07
o. c. q.	o. c. p. q.	o. c. q.	2	..	0	3	4	20	44	53	48. 5	43	47	44. 9	29. 42	30. 07	29. 73
o. c. q.	o. c. q. d.	o. c. q. d. h.	9	8	1	0	4	20	45	56	50. 3	44	54	47. 9	29. 12	29. 39	29. 21
o. c. q. r.	o. c. q. r.	o. c. q.	11	53	0	0	1	22	44	51	46. 4	43	48	45	29. 31	29. 65	29. 54
o. c. d.	o. c. q. r.	o. c.	15	57	0	3	2	22	46	49	47. 5	44	48	46. 3	29. 50	29. 84	29. 69
o. c. p. q.	b. c. p. q.	o. c. p.	10	39	0	1	2	17	44	51	47. 8	43	51	47	29. 84	30. 12	30. 02
o. c. p. h.	o. c. q. p. h.	b. c. p. h. s.	5	71	14	0	0	14	36	45	40. 5	35	45	39. 9	30. 00	30. 38	30. 13
o. c. q. p. s.	b. c. q.	b. c.	2	19	6	0	15	3	29	42	35. 8	...	42	....	30. 40	30. 66	30. 57
b. c.	b. c.	b. c.	0	0	0	0	24	0	26	42	31	...	42	....	30. 39	30. 65	30. 53
b. c.	b. c.	b. c.	0	0	0	0	24	0	24	41	31. 2	...	41	....	30. 11	30. 40	30. 26
b. c.	o. c.	o. c. d.	4	..	0	0	15	9	28	41	35	...	41	....	29. 92	30. 08	29. 99
			144	$8\frac{53}{80}$	53	32	383	311			43. 3						29. 74

NOVEMBER,

Day.	Winds. First part. Direction.	Force.	Average force.	Middle part. Direction.	Force.	Average force.	Last part. Direction.	Force.	Average force.	Average force, 24 hours.	Hours of calm. First part.	Middle part.	Last part.	Total.
1	NE.	1–5	4	E.	5–8	6.1	E. to NE.	8–1	4	4.6	....	....	....	....
2	E.	4–8	5	ENE. ESE.	3–4	3	NE.	1–2	1.8	3.4	....	....	....	....
3	NE.	1–2	1.5	ENE.	1–2	1.9	ENE.	1–2	1.1	1.6	....	....	....	....
4	NE.	1–2	1.3	NE. WE.	2–3	2.1	NNW. NNE.	1	1	1.7	....	....	....	....
5	NNE. NNW.	1	1	WNW.	1–3	2.1	WNW. WSW.	1 3–6	1 4.8	1.9	....	....	....	....
6	W. NNE.	2 1–3	2 2	WNW.	1–3	2	ENE.	2–6	3.7	2.6	....	....	....	....
7	E.	6–7	6.8	ENE.	5–7	5.7	ENE.	3–6	4	5.5	....	....	1	1
8	NE.	1–5	2.6	WNW.	2	2	WNW.	1–2	1.5	2.0	2	....	....	2
9	c. NE.	1	1	E.	2–3	2.2	NE.	3–7	4.6	2.8	....	....	....	....
10	NE.	4–7	5.7	NE.	2–5	3.5	NE.	1–3	2	3.7	....	....	....	....
11	NE. c.	1	1	v.	1	1	c. NE.	1	1	1.0	2	1	1	4
12	NE.	1–4	2	ENE.	2–4	3	E.	2–8	6	3.5	....	....	....	....
13	NE.	5–9	7	ENE.	3–6	4.4	E.	2–6	3.5	5.3	....	....	....	....
14	ENE.	1–4	2.5	ENE. c. v.	1–3	2	NE.	1–2	1.4	2.0	....	1	1	2
15	c. NE.	1–3	1.3	NE. SW.	1–3	2	v.	1–3	2.1	1.9	2	....	....	2
16	NE.	2–4	3	ENE.	2–5	3.8	NE.	5–10	7.8	4.8	....	....	....	....
17	ENE. SE.	9 10	9 10	SE.	5–8	5.8	v.	1–4	2	5.7	....	....	....	....
18	NE.	1–3	1.5	v.	1–2	1.5	v.	1–2	1.1	1.5	1	....	1	2
19	ENE.	3–6	4.5	ENE.	4–6	5.1	e.	2–6	3.5	4.4	....	....	....	....
20	E. NE.	4–5 2	4.5 2	ENE.	1–3	2.4	e.	1–2	1.5	2.7	....	....	....	....
21	E.	2–3	2.2	E.	2–3	2.5	v. c.	1–2	1.5	2.3	....	....	4	4
22	v. c.	1	1	NE.	1	1	v.	1	1	1.0	3	3	....	6
23	NE.	1	1	NE. c.	1	1	NE.	1	1	1.0	....	2	....	2
24	c. NE.	1	1	v.	1	1	W.	1–2	1.2	1.1	5	....	....	5
25	NE.	1	1	v. c.	1	1	NE.	1–2	1.8	1.2	....	2	....	2
26	NE.	1	1	NE.	1	1	c. NE.	1	1	1.1	....	2	1	3
27	NE.	1	1	NE.	1	1	NE.	2–6	4.2	2.2	....	....	....	....
28	NNE.	4–6	4.8	NE.	4–5	4.6	NNE.	4–5	4.8	4.6	....	....	....	....
29	NNE.	4–1	2.5	ENE.	2	2	NNE.	2	2	2.2	....	....	....	....
30	NNE.	4	4	NNE.	2–4	3	NNE.	2–4	2.8	3.4	....	....	....	....
										2.76	15	11	9	35

1879.

Weather.																		
State of sky.			Rain.		Hours of—				Ther.			Wet-bulb.			Barometer.		
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{10}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
c. q.	o. c q. p. h.	o. c. q. d.	10	4	1	0	6	18	41	48	46. 2	41	47	44. 3	29. 54	29. 88	29. 66
o. c. q. d.	o. c. p. s.	b. c. p.	10	14	1	0	10	13	41	49	45. 9	41	48	45	29. 68	29. 79	29. 75
b. c.	o. c. r.	b. c. p.	6	5	0	4	13	11	38	47	42. 8	38	46	42. 5	29. 54	29. 67	29. 60
b. c. p.	b. c.	c.	3	6	0	0	18	5	39	46	42. 5	39	45	42	29. 30	29. 67	29. 53
o. c.	o. c.	o. c. q. r. h.	2	8	3	0	0	24	39	44	41. 2	39	43	40. 9	29. 23	29. 55	29. 34
c. q. l.	b. c. p. h.	b. c. h.	2	23	6	0	12	4	38	43	39. 9	38	43	39. 8	29. 60	29. 84	29. 75
b. c. q.	o. c. q.	b. c. q.	0	0	0	0	17	6	40	46	45	40	46	43. 4	29. 14	29. 59	29. 25
b. c. q. p.	b. c. m.	o. c.	5	5	0	8	9	14	43	48	45. 2	43	47	44. 2	29. 13	29. 53	29. 34
b. c.	b. c.	o. c. q. d.	2	...	0	1	13	11	40	47	44. 5	40	46	43. 5	28. 97	29. 55	29. 32
b. c. q.	b. c. q.	b. c.	0	0	0	0	22	2	42	48	45. 6	41	46	43. 6	28. 80	29. 16	28. 93
b. c.	b. c.	b. c.	0	0	0	0	24	0	34	49	39. 6	34	48	39	29. 16	29. 58	29. 41
o. c. q. d.	o. c. bc.	o. c. q.	6	6	0	1	11	12	32	44	39. 8	32	43	39. 3	28. 76	29. 58	29. 29
b. c.	b. c.	c. b. c.	11	2	0	0	7	17	42	46	42. 4	41	46	43. 8	28. 52	28. 82	28. 66
b. c. m. r.	o. c. p. o. c. p. h.	c. p. h.	...	3	0	1	18	6	40	49	44	40	49	43. 9	28. 82	29. 30	29. 04
o. c.	o. c. h.	o. c. h.	6	18	5	1	5	19	36	44	40. 4	36	44	40. 1	29. 33	29. 90	29. 60
b. c. p.	o. c.	o. c. q. r.	8	10	1	0	1	20	36	43	40. 1	36	42	39. 8	29. 33	29. 98	29. 79
o. c. q. r.	o. c. q. r.	o. r. h.	19	108	3	0	0	24	38	53	44. 1	38	51	43. 4	29. 18	29 81	29. 46
o. c. r. o. c.	b. c.	o. c. p.	3	24	0	0	16	8	35	43	38. 4	35	43	38. 4	29. 86	30. 19	30. 07
b. c. q.	c. q.	o. c. p. q.	6	15	0	0	9	13	41	51	46. 5	41	48	45	29. 82	30. 16	29. 97
o. c. q. r.	o. c. r.	o. c. r.	18	26	0	0	0	24	43	47	44. 6	43	46	44	30. 00	30. 19	30. 09
o. c.	b. c.	b. c.	...	4	0	0	16	8	37	47	44. 2	37	47	43. 7	30. 10	30. 17	30. 14
b. c.	b. c.	b. c.	0	0	0	1	22	2	31	37	33. 8	...	37	....	29. 87	30. 13	29. 96
b. c. m.	b. c. m.	o. c. r. f.	6	2	0	14	8	16	35	45	40. 5	35	44	40. 5	30. 05	30. 25	30. 16
o. c. r. f.	o. c. d. f.	b. c.	16	32	0	14	7	16	39	43	41. 3	39	43	41. 3	30. 22	30. 39	30. 28
b.c.	b. c.	b. c. p.	1	...	0	1	21	3	34	41	37. 6	34	41	37. 6	30. 38	30. 50	30. 45
o. c. r.f.	o. c. m. d.	o. c. r.	15	7	0	17	0	24	38	41	38. 6	38	41	38. 6	30. 11	30. 38	30. 23
o. c. r.	o. c. d.	c. q.	14	31	2	8	5	19	32	40	36. 9	32	40	36. 9	29. 80	30. 06	29. 89
b. c. q.	b. c.	b. c.	0	0	0	0	24	0	14	32	22. 4	...	...	....	29. 68	29. 80	29. 73
b. c. q.	b. c.	b. c.	0	0	0	0	24	0	9	15	11. 6	...	...	....	29. 82	29. 89	29. 85
b. c. q.	b. c.	b. c.	0	0	0	0	24	0	11	15	12. 7	...	...	...	29. 74	29. 94	29. 88
			169	$4\frac{33}{80}$	22	71	362	339			39. 3						29. 68

DECEMBER,

Day.	Winds.											Hours of calm.			
	First part.			Middle part.			Last part.			Hours.					
	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Average force 24 h	First part.	Middle part.	Last part.	Total.
1	N.	4	4	NE.	1-2	1.5	ENE.	2-6	3.8	3.2	....	....	....	....
2	NE. / NW.	3-5 / 1-3	4 / 2	ENE.	3-6	4.5	ENE.	5-6	5.8	4.5	....	....	....	....
3	ENE.	3-5	4.4	ENE.	2-5	3.8	ENE.	4-5	4.5	4.1	....	....	....	....
4	ENE.	4-5	4.5	E. / WNW.	3-4 / 1-2	3.5 / 1.5	W. / c.	1	1	3.1	....	....	4	4
5	W.	1	1	E.	1	1	N.E.	1	1	1	1	....	...	1
6	W.	1	1	W.	1-2	1.5	v.	1	1	1.4	2	....	1	3
7	v.	1	1	v.	1-2	1.3	ENE.	1	1	1.2	1	....	....	1
8	v.	1-4	1.6	NW. / NE.	1	1	c. / NNE.	1-2	1.2	1.2	....	....	1	1
9	NE.	1	1	NE.	1	1	v.	1	1	1	1	....	1	2
10	NE. / E.	1 / 3-6	1 / 5	E. / ENE.	5-7 / 5-8	6 / 7.3	ENE.	5-8	7	5.5	....	....	....	....
11	ENE.	8	8	E. / SE.	4-6 / 2-6	5.2 / 4	SE. / S.	5-6 / 5-8	5.7 / 7	6.3	....	....	....	....
12	S.	1-5	4.6	NE.	1	1	NE. / c.	1	1	2	1	1	4	6
13	NE. / c.	1	1	NE. / v.	1 / 1-2	1 / 1.7	NE. to SW.	2-5	3	1.8	2	....	....	2
14	S. / SE.	6 / 5-8	6. / 6.7	SE.	6-8	7	S. / v.	5-7 / 2-5	5.7 / 3.2	6	....	....	....	....
15	NE.	3-8	6.2	NNE.	4-5	4.7	NNE.	3-5	4	5	....	....	....	....
16	NE.	1-5	3	NNE. / E.	6 / 2-6	6 / 3.8	N. / NNW.	2-3 / 1	2.5 / 1	3.1	....	....	1	1
17	NE.	1-2	1.1	E. / v.	1 / 1	1 / 1	ENE. / N.	1 / 1-8	1 / 4	1.7	....	1	....	1
18	N to NE.	7-1	5.5	E.	2-5	3	NE.	1-2	1.6	3.4	....	....	....	....
19	c. / NE.	1	1	NE. / v.	1 / 1-2	1 / 1.5	v.	1	1	1.1	1	....	1	2
20	N.	1	1	c. / NE.	1-3	1.6	NE.	1-2	1.3	1.2	....	2	....	2
21	NE.	1-2	1.5	c. / NE.	3-5	3.2	NE.	1	1	1.7	....	2	2	4
22	NE.	1-2	1.3	ENE. / v.	2-3 / 1	2.3 / 1	NNE.	1	1	1.2	....	3	....	3
23	NE.	1-2	1.1	E. / NE.	1 / 1-2	1 / 1.5	NE.	1	1	1.1	....	....	....	....
24	NE.	2-3	2.1	ENE.	3-6	4.1	ENE.	1-4	2.1	2.9	....	....	1	1
25	NE.	1-3	1.4	E.	1	1	NE.	1-3	1.7	1.3	....	1	2	3
26	NNE.	1-3	2.6	N.	2-8	6.1	N. / W.	1-8 / 4-6	5.7 / 5	4.7	....	....	....	....
27	NW.	4-7	5.2	NE.	1-4	1.7	NE.	1-2	1.2	2.7	....	....	....	....
28	NE.	1-5	2.3	NE.	1-2	1.2	ESE.	1-4	2.2	1.9	....	....	....	....
29	SE. / SW.	1-7 / 2-5	3.3 / 3.5	S. / v.	2-4 / 2-3	3 / 2.3	NE.	1-3	1.6	2.5	....	....	....	....
30	ENE.	1-7	2.6	NE.	1-2	1.4	v.	1-2	1.5	1.9	....	....	2	2
31	NE.	1	1	NE.	1-2	1.4	NE.	1-3	1.6	1.3	1	....	....	1
										2.6	10	10	20	40

1879.

Weather.																	
State of sky.			Rain.		Hours of—		Ther.			Wet bulb.			Barometer.				
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{10}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
b. c. q.	b. c.	o. c. q. s.	0	...	4	0	14	9	17	29	24.4	...	...	....	29.35	29.69	29.49
o. c. s.	o. c. q. s.	o. c. q.	0	...	11	0	0	24	26	41	34.5	...	39	....	29.22	29.38	29.29
o. c. q.	o. c. q. s.	o. c. q. r. s.	3	...	4	0	0	24	36	42	39.5	36	40	38.3	29.24	29.34	29.28
o. c. q. s.	b. c.	o. c.	0	9	1	0	13	11	33	43	38.4	32	41	37.5	29.27	29.37	29.33
b. c. p.	b. c.	b. c.	2	...	0	0	14	10	27	38	32.5	...	38	....	29.33	29.68	29.48
o. c. s.	o. c.	o. c.	0	...	6	1	1	23	27	33	30.7	...	32	....	29.72	29.94	29.85
o. c. f.	b. c. s.	b. c.	0	...	3	4	18	5	29	36	30.9	...	32	....	29.73	29.94	29.83
b. c.	b. c.	b. c.	0	...	0	0	22	2	24	34	29.3	...	32	....	29.73	29.80	29.76
b. c.	b. c.	b. c.	0	...	0	0	24	0	22	30	24.5	...	..	....	29.80	30.06	29.93
b. c.	o. c. q. s.	o. c. q. s.	0	...	12	0	6	18	23	38	31.2	...	35	....	29.31	30.06	29.68
o. c. q.	o. c. q. r.	o. c. q. r.	18	45	0	0	0	23	38	43	40.9	38	42	40.2	29.33	29.67	29.42
o. c. q. r.	o. c. w. f.	o. c. r.	11	39	0	8	8	16	35	40	37.5	34	40	37.4	29.70	29.94	29.81
b. c.	o. c. f. s.	o. c. q. r.	9	7	7	10	4	20	33	40	36	33	40	36	29.55	29.93	29.76
o. c. q. r. h.	o. c. q. r.	o. c. q. r. s.	14	108	10	0	0	24	34	42	39	33	41	38.6	29.44	29.64	29.52
o. c. q. s.	o. c. q.	b. c. q.	0	...	8	0	10	14	19	31	25	...	...	....	29.60	30.09	29.85
b. c.	b. c. q.	b. c.	0	...	0	0	24	0	17	26	20.5	...	...	....	30.11	30.40	30.29
b. c.	b. c.	b. c. q.	0	...	0	0	24	0	20	32	23.1	...	...	....	30.27	30.42	30.35
b. q.	b. c.	b. c.	0	...	0	0	21	3	20	33	27.5	...	...	....	30.32	30.66	30.51
o. c.	o. c. s.	b. c.	0	...	3	4	7	17	26	34	29.2	...	32	....	30.05	30.61	30.31
b. c.	b.	b.	0	...	0	0	24	0	21	34	26.5	...	...	....	30.00	30.17	30.06
b.	b. c.	b.	0	...	0	0	24	0	18	28	20.8	...	...	....	30.11	30.44	30.28
b. c.	o. c. s.	o. c. s.	0	...	6	0	12	12	21	35	30	...	32	....	30.35	30.44	30.41
b. c.	o. c. d. m.	o. c. p.	6	3	2	7	4	20	33	38	35.6	32	38	35.2	30.38	30.49	30.44
o. c. r.	o. c. q. r. f.	o. c. d. m.	21	26	1	13	0	24	36	40	38.2	36	40	38.1	29.77	30.39	30.02
o. c. r.	b. c. m.	o. c. s.	10	46	7	5	7	16	34	40	37.4	34	40	37.4	29.58	29.74	29.64
o. c. s.	b. c. q.	b. q.	0	...	3	1	20	4	22	33	28.6	...	33	....	29.61	29.95	29.74
b. q.	b. c.	b. c.	0	...	0	0	22	2	21	29	24.8	...	...	....	30.00	30.16	30.11
o. c. s.	o. c. s.	o. c. r. s.	1	14	21	0	0	24	29	38	34.4	...	37	....	29.44	30.05	29.78
o. c. p. s.	o. c. q. r. s.	o. c. s.	2	47	21	0	1	20	32	36	34.4	32	36	34.2	29.17	29.40	29.26
o. c. h. s.	o. c. s.	o. c. s.	0	...	22	0	1	23	32	34	32.5	32	33	32.3	29.11	29.49	29.41
b. c. s.	o. c. s.	o. c. s.	0	...	14	1	7	16	24	31	27.7	...	...	...	29.02	29.18	29.10
			97	4 $\frac{34}{60}$	166	54	332	405			31.15						29.80

JANUARY,

Day.	Winds. First part. Direction.	Force.	Average force.	Middle part. Direction.	Force.	Average force.	Last part. Direction.	Force.	Average force.	Average force 24 hours.	Hours of calm. First part.	Middle part.	Last part.	Total.
1	S. / NE.	4–5 / 2–5	4.5 / 3	NE.	1–4	3	NE.	2–6	4.2	3.6	....	....	....	....
2	NE.	4–7	5.8	N.	6–7	6.1	W. by E.	6–8	6.4	6.1	....	....	....	....
3	NNE.	6–8	7	NNE.	5–7	6.5	NNE.	3–5	4.5	5.9	....	....	....	....
4	N. by E.	1–6	4	NE.	2–4	3	NNE.	1–2	1.8	2.8	....	....	....	....
5	NE.	1–2	1.1	NE.	1–3	2	NE.	3–4	3.6	1.2	....	....	....	....
6	NE.	2–4	3	NE.	1–3	2.5	NE.	2–6	3.5	3	....	....	....	....
7	NE.	2–6	3	NNE.	2–4	3	NNE.	2–7	4	3.5	....	....	....	....
8	NE.	2–6	4	NE.	2–4	3	NE.	1–3	1.5	3.2	....	...	....	....
9	SE. / W.	1–2 / 5–7	1.5 / 6	NW.	1–5	3.4	NNE.	2–6	4.7	4	....	....	....	....
10	NE.	1–4	2	NE.	1	1	NE.	1–2	1.5	1.5	...	....	....	....
11	NE.	1–2	1.5	NE.	1	1	NE. / NW.	1 / 1–2	1 / 1.5	1.2	...	....	....	....
12	W.	1–3	1.6	NNW.	1-6	3	WNW. / NE.	6 / 1–2	6 / 1.8	2.7	....	1	....	1
13	ENE.	1–3	1.7	ENE.	1–3	2	E.	1	1	1.6	....	....	....	....
14	NE.	1–2	1.2	WNW.	1	1	c.	.....	.....	1.1	....	....	6	6
15	S.	1–8	5.5	SSW.	8	8	S.	4–8	5.7	6.4	....	....	....	....
16	W.	1–4	2.1	v. / W.	1–3 / 3–5	2 / 3.4	W. / NE.	1–2 / 1–2	1.2 / 1.2	2	....	....	....	....
17	v. c.	3–4	3.3	NE.	1–3	1.6	NE.	1–3	1.6	2	3	....	....	3
18	NE. / SE.	1 / 2	1 / 2	E.	2–7	4.4	E.	1–7	4.1	3.3	....	....	....	....
19	SE. / ENE.	4–5 / 1–2	4.5 / 1.2	NE.	1	1	c. / v.	1	1	1.7	....	....	1	1
20	c. / ENE.	1	1	E.	1–5	3.1	E. / SE.	3–6 / 3–4	4.6 / 3.7	2.9	1	....	....	1
21	ENE.	4–6	4.9	E.	2–6	4.1	SW.	2–8	5	4.7	....	....	....	....
22	NE.	1–4	2	S.	3–7	4.5	S.	3–7	5.2	3.9	....	....	....	....
23	v. / NE.	1–4 / 2	3.4 / 2	NE. / SE.	2–4 / 3–5	3.4 / 4	NE.	1–4	2.3	2.9	....	....	....	....
24	NE.	1–4	2.1	NE.	1–2	1.1	NE.	1	1	1.5	....	....	....	....
25	NE.	1–2	1.1	NNE.	1	1	NE.	1	1	1	....	....	....	....
26	NE.	1	1	NE. / c.	1	1	NNE.	1–2	1.6	1.1	....	2	...	2
27	NE.	1–2	1.3	E.	1–3	1.2	E.	5–7	6.1	3	1	....	....	1
28	S.	3–7	5	SW.	3–6	4.6	NE.	1	1	3.7	....	....	1	1
29	NE.	1–2	1.7	E.	2–5	4	ENE.	1–4	2	2.6	....	....	....	....
30	ENE.	1	1	c. / ENE.	1–6	3.2	E.	3–8	6.2	3.6	1	3	....	4
31	ESE.	3–4	3.2	E. / S.	3 / 4–7	3 / 6	v.	1–4	2	3.6	....	....	....	....
										2.9	6	6	8	20

1880.

Weather.																		
State of sky.			Rain.		Hours of—				Ther.			Wet bulb.			Barometer.			
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{100}$ inch.	Snow or hail.	Fog or mist.	Before calm.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
o. c. q. s.	b. c. s.	b. c. q.	0	...	9	0	14	8	11	26	18. 7	...	...	....	29. 16	29. 25	29. 21
b. c. q.	b. c. q.	b. c. q.	0	...	0	0	24	0	1	11	6. 4	...	...	....	29. 19	29. 42	29. 31
o. c. q.	o. c. q.	b. c. q.	0	...	1	0	5	18	2	8	5. 9	...	...	....	29. 22	29. 40	29. 29
b. c. q.	b. c.	b. c. s.	0	...	2	0	22	0	—3	4	0. 5	...	...	....	29. 37	29. 74	29. 56
b. c.	b. c.	b. c.	0	...	0	0	24	0	—7	1	—3. 3	...	...	....	29. 77	29. 87	29. 82
b. c.	b. c.	b. c. q.	0	...	0	0	24	0	—4	9	—0. 3	...	...	....	29. 69	29. 80	29. 73
b.	b. c.	b. c. q.	0	...	0	0	24	0	—1	4	0. 9	...	...	....	29. 60	29. 75	29. 66
b. c. q.	b. c.	b. c.	0	...	0	0	24	0	—1	6	1. 6	...	...	....	29. 76	29. 89	29. 83
b. c. q.	b. c. q.	b. c. q.	0	...	0	0	21	3	2	19	13. 3	...	..	....	29. 60	29. 84	29. 70
b. c.	b. c.	b. c.	0	...	0	0	24	0	8	19	12. 1	...	...	....	29. 73	30. 03	29. 89
b. c.	b. c. s.	b. c.	0	...	4	0	19	3	11	23	17	...	...	....	29. 87	30. 05	29. 99
b. c.	b. c. q.	b. c. q.	0	...	0	0	22	2	16	29	22	...	...	....	29. 44	29. 89	29. 58
o. c. s.	o. c s.	o. c. s.	0	...	17	0	1	23	18	30	27	...	...	....	29. 28	29. 56	29. 47
b. c.	o. c. s.	o. c. s.	0	...	15	0	6	18	21	29	25. 3	...	...	....	28. 84	29. 25	29. 03
o. c. q. s.	b. c. q. h. s.	o. c. q. h. s.	0	...	20	0	3	9	27	32	30	...	...	....	28. 91	29. 40	29. 15
o. c. s.	b. c.	b. c.	0	...	4	0	16	8	13	30	23. 1	...	...	....	29. 28	29. 60	29. 38
b. c.	b. c. q. s.	o. c. q. s.	0	...	15	0	9	14	11	28	21. 5	...	...	....	29. 50	29. 91	29. 76
o. c. s.	o. c. q. m. s.	o. c. q. r. s.	1	11	15	5	2	21	26	38	32. 5	...	38	....	29. 24	29. 85	29. 55
o. c. r.	o. c. f. r. s.	o. c. f. r. s.	12	102	12	8	0	24	34	38	36. 4	34	38	36. 3	29. 12	29. 35	29. 23
o. c. p.	o. c. q. d. m. s.	o. c. q. r. m.	16	12	2	8	1	23	35	39	37. 3	34	39	37. 2	29. 34	29. 59	29. 43
o. c. q. r.	o. c. q. r.	o. c. q. r. s. h.	17	46	5	0	0	22	30	40	37	...	40	....	28. 71	29. 45	29. 12
o. c. s.	o. c. q. h. s.	b. c. q. h. s.	0	...	21	0	1	15	26	31	28. 4	...	...	....	29. 30	29. 49	29. 43
b. c. q. h. s.	b. c. s.	b. c. s.	0	...	23	0	1	8	24	28	25. 6	...	...	....	29. 30	29. 50	29. 40
b. c. q. s.	b. c.	b. c.	0	...	8	0	16	4	13	29	20. 8	...	...	....	29. 21	29. 47	29. 33
b. c.	b. c.	b. c.	0	...	0	0	24	0	11	23	16. 1	...	...	....	29. 51	29. 84	29. 68
b. c.	b. c.	b. c.	0	...	0	0	24	0	9	22	14	...	...	....	29. 80	30. 13	29. 96
b. c. / o. c.	o. c. s.	o. c. q. s.	0	...	12	0	4	20	10	32	21. 2	...	...	....	29. 56	30. 16	29. 96
o. c. q. h. r. s.	b. c. q. h. r. s.	b. c. s.	2	...	14	0	5	15	31	37	34. 7	...	37	....	29. 60	29. 93	29. 79
o. c.	o. c. q. f. r. s.	o. c. q. r.	9	56	6	9	1	23	33	39	36. 6	33	39	36. 3	29. 59	29. 93	29. 78
o. c. d. m.	o. c. r. m.	o. c. q. r.	17	60	0	4	0	24	38	41	38. 6	38	41	38. 5	29. 50	29. 80	29. 68
o. c. q. r. m.	o. c. q. h. r. s.	o. c. q. r. s.	13	70	8	3	0	24	35	40	38. 2	35	40	38. 2	29. 50	30. 28	29. 80
			87	$4\frac{37}{80}$	213	37	361	329			20. 6						29. 57

FEBRUARY,

Day.	Winds. First part. Direction.	Force.	Average force.	Middle part. Direction.	Force.	Average force.	Last part. Direction.	Force.	Average force.	Average force, 24 hours.	Hours of calm. First part.	Middle part.	Last part.	Total.
1	NE.	1	1	ENE.	1-4	2	ENE.	1-2	1-4	1.5	3	....	....	3
2	E. c.	1-2	1.2	c. v.	1-3	1.6	SE.	1-4	1-4	1.4	3	3	....	6
3	c. ENE.	1-2	1.2	E.	1-2	1.7	NE.	1	1	1.3	3	....	....	3
4	E.	1-4	2.2	v.	1	1	c. ENE.	1	1	1.6	...	....	3	3
5	NE. c.	1	1	v. c.	1	1	NE. v.	1 1	1	1	4	2	....	6
6	SW.	1-2	1.7	W.	1-2	1.7	C.	.....	.....	1.2	1	....	6	7
7	NE. c.	1	1	NE. SE.	1-2 5	1.7 5	E.	1-2	1.4	1.6	3	....	....	3
8	ENE. SW.	1-2 2-4	1.1 3	SW.	1-3	2.1	SW. NNE.	1-2 1-2	1.5 1.3	2	....	....	....	....
9	NE. SW.	1 1	1	W.	1-3	1.7	W. to NNE.	1-4	2	1.6	2	1	....	3
10	NE.	1-3	1.4	NE.	1-2	1.5	ENE. SE.	1-2 3-5	1.7 4.2	2.1	1	....	....	1
11	ESE.	4-7	6.1	S. SSW.	7 5-6	7 5.5	SW. SSE.	5 7.8	5 7.5	6.2	....	....	....	....
12	SSW.	3-7	5.5	SW. S.	1-4 3-7	2.8 4.7	S. v.	6-7 3-6	6.5 4	4.7	....	....	1	1
13	SSE. v.	3-6 3-4	4.6 3.7	ENE.	2-4	3	ENE.	1	1	2.7	....	....	....	....
14	c. E.	1-2	1.4	ENE.	1-4	3.4	NE.	1-4	2.3	2.4	1	....	....	1
15	NNE.	1-4	3	NE.	1-2	1.6	NE.	1-2	1.5	2	....	....	....	....
16	NE.	1-2	1.3	v. ENE.	2-3 3-4	2.7 3.2	NE.	4-9	7.1	3.8	....	1	....	1
17	NE.	2-9	6	NE, v.	1 1-3	1 2	NE.	1-4	2.1	3.5	....	....	....	....
18	NE.	1-4	2.5	v. W.	1-3 2-3	1.8 2.7	NE.	1-2	1.5	2	....	....	....	....
19	ENE.	1-2	1.4	NE. c.	1	1	E.	1	1	1.1	....	3	1	4
20	E.	1-4	2.1	NE.	1-2	1.4	NE.	1	1	1.5	....	....	....	....
21	NE.	1	1	E.	1	1	E.	1	1	1	1	3	....	4
22	E.	1-5	1.6	SE. to SSW.	4-6	5	SW.	1-4	2.1	3.	....	....	1	1
23	W.	1-5	3.5	W.	1-4	2.1	SW. E.	3-4 3-4	3.7 3.8	3.1	....	....	....	....
24	SE. SW.	5-7 4-5	5.7 4.5	WSW.	7-8	6.6	WSW.	7-8	7.7	6.8	....	....	....	....
25	WSW.	4-9	7.1	W.	2-5	3.5	NNE.	1-2	1.4	3.1	....	....	1	1
26	NE.	1-3	1.5	NNE. to SSE.	1-2	1.1	NE. v.	1-3 1-2	2 1.7	1.5	....	....	1	1
27	NE. SE. WSW.	4-7 8 3-4	5.2	W.	3-5	4.3	SW.	1-5	3.1	4.2	....	....	....	....
28	W. to NE.	1-2	1.5	v.	1-3	2	SW.	1	1	1.4	....	4	2	6
29	NE.	1-2	1.6	NE.	2-5	3.1	NE.	1-5	2	2.4	1	....	....	1
										2.5	23	17	16	56

1880.

Weather.																		
State of sky.			Rain.		Hours of—				Ther.			Wet-bulb.			Barometer.		
First part.	Middle part.	Last part.	Hours.	Amount in ⅟₁₀ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
o. c. p. m.	o. c. p. m.	o. c. r. m.	15	25	0	13	0	24	35	40	37.9	35	40	37.9	30.27	30.55	30.45
b. c. m.	o. c. r. m.	o. c. r. m.	16	62	0	9	3	20	34	41	38.1	34	40	38	30.43	30.58	30.53
o. c. r.	o. c. r.	o. c. r. m.	20	49	0	5	0	24	39	41	39.9	39	41	39.9	30.50	30.58	30.54
o. c. r.	o. c. r. m. f.	b. c. m.	11	22	0	12	2	21	36	43	39.8	36	43	39.8	30.43	30.55	30.46
b. c. m.	b. c. f.	b. c.	1	...	0	9	17	7	29	40	33.2	...	40	....	29.06	30.43	30.27
b. c.	b. c	b. c.	...	...	0	1	21	3	25	41	32.6	...	41	....	29.99	30.24	30.08
b. c.	{ b. c. / o. c. q. s. }	o. c. r. s.	2	14	7	0	13	11	23	37	30.5	...	36	....	29.89	30.24	30.10
o. c. r. h.	b. c. m. h. r. s.	o. c. h. s.	5	6.3	9	8	6	9	33	39	35.6	33	39	35.6	29.81	29.98	29.94
b. c.	o. c.	b. c.	...	...	0	0	16	8	25	39	32.6	...	39	....	29.36	32.80	29.49
b. c.	b. c.	o. c. s.	...	...	8	0	16	8	20	35	28.4	...	35	....	29.54	29.85	29.74
o. c. q. s.	b. c. q. p. h. s.	o. c. q. h. s.	...	23	22	0	2	12	32	37	34.2	32	37	34.2	29.23	29.61	29.31
o. c. q. h. s.	b. c. q. h. s.	o. c. q. p. h. s.	..	...	24	0	0	15	28	36	31.5	...	36	....	29.31	29.57	29.42
o. c. q. h. s.	b. c. s.	b. c. s.	...	...	16	0	7	16	22	31	27.7	...	...	...	29.31	29.58	29.44
o. c. s.	b. c.	b. c.	...	...	4	0	18	6	21	30	25.1	...	...	....	29.33	29.75	29.50
b. c.	b. c.	b.	...	..	0	0	24	0	10	26	17.3	...	..	....	29.78	30.20	30.00
b. c.	o. c.	o. c. q. s.	...	...	9	0	8	16	10	29	21.7	...	..	....	29.35	30.22	29.92
o. c. q. s.	b. c. s.	b. c.	...	...	6	0	14	12	27	38	30.6	...	38	....	29.13	29.66	29.32
b. c.	b. c.	b. c.	..	...	0	0	24	0	21	36	27.4	...	36	....	29.68	30.09	29.96
b. c. s.	o. c. d. s.	o. c. d. s.	...	...	20	0	3	21	28	40	33.6	...	40	....	29.79	30.05	30.00
o. c. r. s.	o. c. s.	o. c. r. s.	16	67	8	0	0	24	35	42	37.5	35	42	37.5	29.58	29.74	29.65
o. c. m. r. s.	b. c. m. f.	o. c. r.	11	115	2	8	8	16	35	45	38.6	35	45	38.6	29.45	29.79	29.68
o. c. r.	o. c. q. m. r. h.	o. c. p. s.	13	111	8	6	1	17	33	41	38.5	33	41	38.4	29.30	29.54	29.40
b. c. p. s.	b. c.	o. c. s.	1	...	14	0	9	9	29	36	33	...	36	....	29.57	29.76	29.68
o. c. q. h. r. s.	o. c. q. p. h. s.	o. c. q. p. h s.	5	30	18	0	0	20	30	37	33.9	...	37	....	29.30	29.64	29.48
b. c. q. p. h. s.	b. c.	b. c.	...	...	6	0	18	1	9	30	22.6	...	...	....	29.66	30.45	30.07
b. c	b. c.	o. c. s.	...	...	3	0	14	10	8	28	18.7	...	...	...	30.27	30.62	30.51
o. c. q. s.	o. c. q. h. s.	b. c. q. h. s.	...	...	21	0	3	10	28	38	33.7	...	38	....	29.98	30.16	30.03
o. c. p. h. s.	o. c. s.	b. c. m. s.	...	...	19	3	2	22	28	37	32	...	37	....	29.62	30.05	29.78
b. c.	b. c.	b. c.	...	...	0	0	24	0	12	32	20.8	...	...	....	29.63	29.93	29.78
			116	7 21/60	224	74	273	362			31.3						29.88

MARCH,

Day.	Winds. First part. Direction.	Force.	Average force.	Middle part. Direction.	Force.	Average force.	Last part. Direction.	Force.	Average force.	Average force, 24 hours.	Hours of calm. First part.	Middle part.	Last part.	Total.
1	NNE.	1–5	2.7	NNE. / E.	1 / 1–3	1 / 1.7	NNE.	1–3	2	1.8	....	....	....	....
2	E.	1–2	1.4	c. / N.	1–2	1.6	N.	1–3	1.7	1.5	....	3	....	3
3	NE	2–4	3	NE.	2–3	2.3	ENE.	1–3	2	2.4	....	....	....	....
4	NE.	3–8	6	ENE.	1–2	1.6	NE.	1–3	2	3.2	....	....	....	....
5	NE.	1–6	2.6	E.	1–3	2	NE.	1–4	1.6	2.1	....	....	....	....
6	NE.	1–7	4	E.	5–8	7	SE.	2–6	4	5	1	....	....	1
7	W. / c.	2–6	3.6	NE. / c.	1	1	E. to SSW.	1–4	2	2.2	2	3	....	5
8	E.	1–2	1.5	NE.	1–3	1.6	NE. / SSW.	1 / 1–4	1 / 2.2	1.6	2	....	....	2
9	SW.	3–6	4.1	SW.	3–4	3.9	WSW.	2–6	4.3	4.1	....	....	....	....
10	WSW. / NE.	1–2 / 1–2	1.2 / 1.7	v.	1–2	1.1	NNE.	1–2	1.5	1.4	1	1	....	2
11	NNE.	1–2	1.1	v.	1–2	1.1	NE. / v.	1 / 1	1	1.1	....	1	....	1
12	NE. / c.	1	1	c. / SSW.	1–2	1.1	c. / NE.	1	1	1.1	2	2	3	7
13	v.	1	1	NE. to SSW.	1–3	1.8	v. / NNE.	1 / 1	1 / 1	1.3	2	2	3	7
14	c. / NE.	1–2	1.2	S.	1	1	W.	1–2	1.4	1.2	3	1	1	5
15	c.	.....	.....	NNE. / W.	1–2 / 1	1.5 / 1	c. / W.	2	2	1.3	6	....	6	12
16	c.	.....	.....	S.	1–3	1.5	S. / v.	2 / 1–2	2 / 1.4	1.5	8	....	1	9
17	SE. / WSW.	2–5 / 2–3	3.5 / 2.7	SW.	1–2	1.6	v.	1–3	1.6	2–1	1	....	....	1
18	NNE.	1–2	1.1	SE.	1–6	3.4	NE. / SE.	3–6 / 7–8	4.2 / 7.6	3.3	....	1	....	1
19	S.	4–7	5.2	SSE.	5–7	6	S.	3–6	5.5	5.5	3	....	....	3
20	c. / NE.	1	1	E. / NE.	2–3 / 5–8	2.4 / 6.3	SE.	1–6	3.2	3	....	....	1	1
21	NE. / SSE.	2–4 / 3–5	3.2 / 4	SSE. / SSW.	2–7 / 4–7	4.3 / 5.2	SW.	2–7	4.1	4.2	....	....	1	1
22	ENE.	2–4	3.6	E. / W.	1 / 2–3	1 / 2.3	NNE.	1	1	1.9	....	1	....	1
23	NNE.	1	1	WNW. / NNE.	1–4 / 2–3	2.5 / 2.6	NNE.	1–2	1.2	1.6	3	....	....	3
24	C. / NW.	4–5	4.3	NW. / N.	3–4 / 2–6	3.7 / 4.2	NW.	1–6	3	3.3	2	2	....	4
25	NE.	1–4	1.8	ENE.	2–3	2.3	NE.	1–4	2.6	2.3	....	....	....	....
26	NE.	4–6	5.5	NNE.	2–3	2.7	NE.	2–6	3.4	3.9	....	....	....	....
27	NNE.	2–4	3.1	NNE.	4–5	4.6	NNE. / ENE.	2–3 / 4–5	2.3 / 4.2	3.7	....	....	....	....
28	NE.	2–5	3.7	v. / E.	1–3 / 1–3	2 / 2	E. / NE.	1 / 1–2	1 / 1.5	2.3	....	....	....	....
29	E.	1–2	1.2	E.	1–3	2.1	NNE.	1–3	2	1.8	....	....	....	....
30	NNE.	1–3	2	NNE.	1–3	2	NE.	1–2	1.5	1.8	....	....	....	....
31	NNE.	1–2	1.4	WNW. / SSW. / ENE.	1–3	2.5	NE.	1–3	2	2	....	....	....	....
										2.44	36	17	16	69

1880.

Weather.

State of sky.			Rain.		Hours of—				Ther.			Wet-bulb.			Barometer.		
First part.	Middle part.	Last part.	Hours.	Amount $m_{\frac{1}{100}}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Eaximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
b. c.	b. c.	b. c.	0	...	0	0	24	0	8	27	15.3	...	...	.....	29.61	29.95	29.75
b. c.	b. c.	b. c.	0	...	0	0	24	0	9	33	18.6	...	...	.....	29.61	29.74	29.67
b. c.	b. c.	c.	0	...	0	0	18	3	13	27	20	..	...	.....	29.48	29.75	29.65
o. c. q. s.	o. c.	b. c. q.	0	...	5	0	3	21	17	33	24.1	...	...	.....	29.25	29.46	29.33
b. c.	b. c.	b. c.	0	...	0	0	24	0	10	29	17.8	...	. .	.....	29.50	30.02	29.79
o. c. q. s.	o. c. q. h. s.	o. c. q. s.	0	...	20	0	1	23	13	34	26.4	...	34	.....	29.24	29.97	29.55
o. c. q. s.	b. c. q. s.	b. c. q. s.	0	...	14	1	4	11	30	40	34.6	...	40	.....	29.37	30.18	29.90
o. c. s.	o. c. r. s.	o. c. m. r. s.	10	...	12	6	0	24	35	40	36.8	35	40	36.8	30.05	30.19	30.10
o. c. q. r. s.	b. c. m.	o. c. q. m. s.	1	2	11	11	3	20	33	40	37.1	33	40	36.9	30.18	30.49	30.33
b. c. s.	b. c.	b. c.	0	...	2	0	22	2	22	44	33.5	...	44	.....	30.49	30.90	30.71
b. c.	b. c.	b. c.	0	...	0	0	22	2	21	44	31.3	...	43	.....	30.79	30.92	30.88
b. c.	b. c.	b. c.	0	...	0	0	20	4	31	45	36.8	...	45	.....	30.64	30.74	30.68
b. c.	b. c.	o. c. s.	0	...	2	0	17	7	30	46	37.4	...	46	.....	30.42	30.65	30.52
b. c.	b. c.	b. c.	0	...	0	0	24	0	29	50	37.6	...	49	.....	30.41	30.50	30.46
o. c. m. r.	o. c. d. m.	o. m. f.	9	...	2	18	0	24	35	49	39.7	35	48	39.5	30.09	30.41	30.21
o. c. m. f.	o. c. f.	o. c. f. r. s.	8	4	1	12	4	20	36	45	39.5	36	45	39.5	29.75	30.07	29.95
o. c. r. s.	b. c. p.	b. c. d.	7	22	4	1	7	9	36	44	38.7	36	44	38.7	29.68	29.94	29.79
o. c. m. f.	o. c. q. r. s.	o. c. q. r.	10	...	3	7	0	24	35	47	39.2	35	46	39	29.76	30.05	29.95
o. c. q. h. r. s.	o. c. q. p. h.	o. c. q. h. r. s.	1	43	20	0	0	19	35	43	38.1	35	43	38	29.76	30.01	29.88
c. c. s.	o. c. q. r. s.	o. c.q.d.h.s.m.	1	33	19	2	0	24	34	44	37.2	34	44	37.1	29.50	30.00	20.74
o. c. s.	o. c. q. s.	o. c. p. q. h. s.	1	47	20	0	3	21	33	39	35.5	33	38	35.2	29.46	29.83	29.64
o. c. s.	o. c. s.	b. c.	0	...	13	0	8	16	28	44	35	...	44	.....	29.85	29.96	29.90
b.	b. c.	b. c.	0	...	0	0	24	0	23	42	29.8	...	41	.....	29.45	29.86	29.61
b.	b. c.	b. c.	0	...	0	0	24	0	20	36	27.2	...	35	.....	29.37	29.51	29.43
b. c.	b. c.	b. c.	0	...	0	0	24	0	14	39	25.6	...	...	.....	29.31	29.48	29.43
b. c. q.	c. q.	b. c. q.	0	...	0	0	18	6	21	35	26.2	...	...	.....	29.04	29.35	29.19
b. c.	b. c.	b. c. q.	0	...	0	0	24	0	22	35	26.8	...	...	.....	29.35	29.83	29.61
b. c. q.	b. c.	b. c.	0	...	0	0	24	0	21	42	29.9	...	40	.....	29.80	30.02	29.92
b. c. q.	b. c.	b. c.	0	...	0	0	24	0	21	42	29.9	...	40	.....	29.80	30.02	29.92
b. c.	b. c.	b. c.	0	...	0	0	23	0	21	38	28.1	...	37	.....	29.90	30.08	30.03
b. c.	b. c.	b. c.	0	...	0	0	24	0	16	45	29.6	...	43	.....	30.08	30.18	30.14
b. c.	b. c.	b. c.	0	...	0	0	24	0	21	50	34	...	49	.....	30.16	30.23	30.19
			48	$1\frac{71}{100}$	148	58	437	280			31.1						29.93

APRIL,

Day.	Winds.													Hours of calm.			
	First part.			Middle part.			Last part.			Average force, 24 hours.							
	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Direction.	Force.	Average force.		First part.	Middle part.	Last part.	Total.
1	c. E.	1	1	E. N.	1 2–4	1 3	N.	1–3	1.5	2.2	2	....	....	2
2	NNW. c.	1–2	1.5	SE. SW.	1–2 1–3	1.5 2	W. c.	4–5	4.5	1.8	4	1	4	9
3	c. NNE.	1	1	SSW.	1–2	1.3	SSE.	1–2	1.8	1.4	4	1	3	8
4	SE. E.	1 3	1 3	S. SSE.	3–4 3–6	3.2 4.2	E.	2–6	3.7	3.1	....	....	....	....
5	E. by S. NE.	5–6 6–8	5.5 6.8	NE.	5–7	6.1	ENE.	2–6	3.5	5.2	....	....	....	....
6	ENE.	1–5	3	NE. E.	6–8 3–9	7 6	ESE.	3–8	6	5.2	....	....	....	....
7	SE.	1–4	1.7	c.	.....	.....	c. SSW.	1	1	1.3	....	5	2	7
8	SE. NE.	1 1	1 1	SSW.	1–2	1.7	c. NW.	1	1	1.3	....	1	4	5
9	W. SE.	1–2 1	1.5 1	E.	3	3	E. c.	1–3	1.7	2	1	....	4	5
10	c.	.....	.....	c. E.	1–3	2	v.	1–4	2.2	1.7	6	3	3	12
11	c.	.....	.....	W.	2–4	3	W. E.	1–4 3–4	2 3.5	2.5	7	....	2	9
12	NE.	1	1	W. E.	4–5 2–4	4.2 3	NE.	1–4	1.7	2	....	....	....	....
13	NNE.	1	1	E. WSW.	1–2 3–4	1.5 3.2	c. E.	2–3	3.7	1.9	....	....	3	3
14	ENE.	1–5	3.2	ENE.	4–5	4.4	NE.	1–4	3	3.4	....	....	1	1
15	c. NNE.	1–3	1.8	NNE.	3–4	3.9	NE.	2–7	5	3.8	3	....	....	3
16	NE.	1–6	3	NE.	3–6	4	NE.	1–3	1.7	2.9	2	...	....	2
17	c. v.	1	1	SW.	1–3	1.8	c. NE.	1–2	1.5	1.4	4	....	3	7
18	NE.	1–3	1.8	E.	3–4	3.9	ENE.	2–4	2.2	2.6	....	....	....	....
19	ENE. v.	2 2	2 2	ENE.	2–5	4	NE. c.	1–4	2.5	2.9	....	....	4	4
20	c.	.....	.....	W. S.	3–4 2–5	3.5 3.2	c.	.....	.....	2.5	6	....	5	11
21	c.	.....	.....	W. c.	2–3	2.8	NNE. c.	1–2	1.5	2.3	7	2	4	13
22	c.	.....	.....	W.	1–3	2	SW. c.	2–4	2.8	2	5	1	4	10
23	NNE. v.	1 1	1 1	E.	2–5	3.6	v.	1–2	1.6	2.2	2	....	1	3
24	SE. NE.	1 2–5	1 3	W.	1–3	2	v.	1	1	1.6	....	....	1	1
25	c.	.....	.....	SSW.	1–3	2	WSW. c.	1–3	1.8	1.7	6	....	2	8
26	c.	.....	.....	SW.	1–3	2	W. NE.	1–2 1–2	1.3 1.3	1.6	7	2	2	11
27	c.	.....	.....	W.	2–3	2.5	WSW.	1–4	2.6	2.2	3	....	1	4
28	c. SW.	1	1	W. c.	1–2	1.2	c.	.....	.....	1.1	2	4	8	14
29	E.	3–5	3.5	E.	3–4	3.1	WNW.	1	1	2.8	....	....	2	2
30	c.	.....	.....	SE.	1–3	2.4	SE. c.	1–5	2.3	2.3	7	....	2	9
										2.36	78	20	65	163

1880.

Weather.

State of sky.			Rain.		Hours of—				Ther.			Wet-bulb.			Barometer.		
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{10}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
b. c.	b.	b. c.	0	...	0	0	24	0	26	47	36. 2	...	45	....	29. 90	30. 14	29. 99
b.	b. c.	b. c.	0	...	0	0	24	0	29	46	36. 8	...	45	....	29. 76	29. 96	29. 86
b. c.	b. c.	o. c.	0	...	0	0	19	5	28	45	38	...	45	....	29. 77	29. 80	29. 79
o. c.	b. c. q. s.	o. c. q.	0	...	0	0	3	21	34	43	39. 8	34	42	38. 5	29. 77	29. 83	29. 81
o. c. q.	o. c. q.	o. c. p. q.	3	..	0	0	1	23	37	44	41	34	42	38. 8	29. 64	29. 80	29. 71
o. c. q.	o. c. q. r.	b. c. q. p. h.	10	29	2	0	5	15	38	43	41. 2	38	42	40. 5	29. 53	29. 85	29. 69
o. c.	o. c. d.	o. c. p. m.	4	12	0	2	0	24	37	44	41. 2	37	43	40. 6	29. 87	29. 97	29. 90
o. c.	b. c.	b. c. d.	2	...	0	0	12	12	37	47	41. 7	37	46	41	29. 82	30. 09	30. 00
o. c. d.	o. c. d.	o. c. r.	20	5	0	0	0	24	40	50	45. 8	40	50	45	29. 57	29. 83	29. 66
o. c. r.	o. c. d. m.	o. c. f. m.	8	10	0	15	2	22	41	51	44. 7	41	49	44. 5	29. 54	29. 95	29. 71
o. c.	b. c.	b. c.	0	...	0	0	17	7	38	49	43. 6	37	48	42. 8	29. 94	30. 07	30. 02
b.	b. c.	b. c.	0	...	0	0	24	0	34	47	40. 5	34	45	39. 7	29. 78	30. 05	29. 93
o. c. s.	b. c.	o. c.	0	...	4	0	3	20	38	43	41	38	43	40. 4	29. 52	29. 77	29. 65
b. c.	b. c. q.	b. c.	0	...	0	0	24	0	40	49	44. 9	40	47	43. 5	29. 23	29. 52	29. 34
b. c.	b. c.	b. c. q.	0	...	0	0	24	0	36	51	42. 1	36	47	39. 7	29. 28	29. 50	29. 38
b. c.	b. c. q.	b. c.	0	...	0	0	24	0	30	50	38. 5	...	46	....	29. 55	29. 91	29. 76
b.	b. c.	b.	0	...	0	0	24	0	29	47	37. 8	...	45	....	29. 88	29. 96	29. 91
b.	b.	b.	0	...	0	0	24	0	37	54	46. 5	36	52	44. 7	29. 74	29. 89	29. 81
b. c.	b. c. q.	b. c.	0	...	0	0	24	0	37	58	48. 4	36	56	45. 9	29. 53	29. 74	29. 58
b. c.	b. c.	b. c.	0	...	0	0	24	0	35	51	43. 2	35	50	42. 2	29. 54	29. 61	29. 58
b.	b. c.	b. c.	0	...	0	0	24	0	35	64	47	35	58	45. 4	29. 49	29. 69	29. 57
b.	b. c.	b. c.	0	...	0	0	24	0	36	60	47. 6	36	57	45. 8	29. 70	29. 91	29. 82
b. c.	o. c. d. f.	o. c. m. r.	8	6	0	7	7	16	39	51	44. 2	39	50	43. 3	29. 91	30. 15	30. 00
o. c. p. h.	o. c.	o. c.	...	7	2	0	1	23	38	48	42. 2	38	46	41. 4	30. 20	30. 37	30. 30
o. c.	b. c.	b. c.	0	...	0	0	20	4	39	49	42. 9	39	46	41. 8	30. 34	30. 40	30. 38
b. c.	b. c.	o. c.	0	...	0	0	20	4	36	51	43. 4	35	49	42. 2	30. 18	30. 39	30. 29
b. c.	o. c. d.	c. p.	6	...	0	0	6	18	41	46	43. 5	40	46	42. 5	30. 03	30. 18	30. 09
o. c. d.	o. c. d.	o. c. r.	24	18	0	3	0	24	41	42	43. 8	40	46	43. 3	29. 78	30. 04	29. 90
o. c. m. r.	o. c. m. r.	o. c. d. m.	14	16	0	12	0	24	42	52	46. 7	42	51	45. 9	29. 69	29. 79	29. 75
o. c. f. r.	o. m. r.	o. c. d.	18	27	0	12	2	17	40	49	44. 6	40	48	43. 9	29. 74	29. 96	29. 87
			117	$1\frac{88}{100}$	8	51	406	303			42. 6						29. 83

MAY,

Day.	Winds. First part. Direction.	Force.	Average force.	Middle part. Direction.	Force.	Average force.	Last part. Direction.	Force.	Average force.	Average force, 24 hours.	Hours of calm. First part.	Middle part.	Last part.	Total.
1	NE.	1-2	1.4	SW.	2	2	c.	.....	.....	1.6	1	....	5	6
2	c. NW.	1-2	1.5	W.	1-4	2 6	W. E.	1-2 1	1.2 1	1.7	4	1	....	5
3	E.	1-5	2.5	S.	3-5	4	S. NNE.	1-4 1-2	2.2 1.2	2.8	2	....	....	2
4	c.	.....	.....	SE. to SW.	1-3	1.5	W.	1-2	1.6	1.5	6	....	3	9
5	ENE. c.	1	1	SSE.	4-6	5	SSE.	1-5	2.7	3.2	4	1	1	6
6	ENE.	1-2	1.3	SW.	1-2	2	c. NE.	1-2	1.4	1.5	2	1	2	5
7	NE. c.	1	1	WSW.	2-4	3.3	WSW. c.	5	5	2.6	3	1	3	7
8	NE. c.	1-2	1.3	WSW.	2-4	3.1	WSW.	1-4	3	2.5	4	....	1	5
9	NNE. c.	1	1	SSW.	1-3	2.1	NE.	1-3	1.7	1.7	4	....	1	5
10	c.	.....	.....	W.	1-5	4.4	W. NE.	4-5 1-2	4.8 1.2	3.4	6	....	....	6
11	v.	1	1	NE.	2-4	3.4	NE.	1-4	2.6	2.5	4	....	....	4
12	c.	.....	.....	SSW.	1-3	2.1	SW. NNE.	1-4 1-2	2.8 1.5	2	5	....	....	5
13	c.	.....	.....	SSW.	1-3	2.4	SSW. NE.	2-3 1	2.6 1	2	4	....	....	4
14	NNE. c.	1-3	2.5	SSW.	2-3	2.4	SSE. NE.	1-3 1	2.5 1	2.1	4	....	....	4
15	c.	.....	.....	SW. S.	1-2 1-3	1.7 2.6	SW. c.	3	3	2.2	5	....	4	9
16	c.	.....	.....	c. SW.	3	3	W. NE.	1-3 1	2.4 1	2.2	8	3	....	11
17	v.	1	1	SSW.	1-3	2.4	SW. N.	1-2 1	1.7 1	1.6	1	....	1	2
18	NE.	1-2	1.8	E.	2-4	3.6	ENE.	3-5	4.5	3.4	2	....	....	2
19	SE. c.	4-5	4.7	W. SSW.	1-3 1-4	1.7 3	SW. c.	1	1	2.4	2	1	3	6
20	W.	1-2	1.5	E. SSE.	3-4 2-6	3.7 4.2	v.	1-5	2	2.6	1	....	...	1
21	NE.	1	1	NE. SSW.	1-4 2-3	3 2.4	v. NNE.	1-4 1-2	2.5 1.5	1.9	....	...	....	....
22	NNE. c.	1	1	SSW.	2-3	2.9	SW.	1-3	2.1	2.2	4	....	1	5
23	c. N.	1-2	1.7	SSW.	2-3	2.6	v. NE.	1-4 1-2	2.2 1.2	1.9	2	...	....	2
24	NE.	1-2	1.2	SSW.	2-4	3.4	ENE.	2-8	4.7	3	....	....	....	....
25	E.	6-8	7	SSE.	4-6	5.5	SE. NE.	3-5 2	3.7 2	5.2	....	....	....	....
26	NE.	1-2	1.8	W. SE.	2-3 1-2	2.6 1.8	v. c.	1-2	1.7	2.1	3	..	3	6
27	W. to SSW.	1-4	2.6	SSW.	2-3	2.4	W.	1-2	1.4	2.2	1	....	...	1
28	c. NE.	1	1	c. WSW.	1-3	2	W. NE.	3-4 1	3.5 1	2	4	2	2	8
29	NE.	1	1	W. SW.	1-3 3	2.2 3	SSW. NE.	1-2 1	1.7 1	1.7	1	....	1	2
30	NNE. c.	1	1	E.	1-4	3.2	NE.	1-4	2.4	2.4	3	....	....	3
31	c.	.....	.....	NE.	1-4	3	E.	2-5	3.1	2.7	5	....	...	5
										2.35	95	10	31	136

1880.

Weather.

State of sky.			Rain.		Hours of—				Ther.			Wet-bulb.			Barometer.		
First part.	Middle part.	Last part.	Hours.	Amount in $\frac{1}{100}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
b. c. p.	b. c.	b. c.	1	...	0	0	22	2	39	56	46.2	38	55	44.6	29.68	29.98	29.86
b. c.	o. c. r. m.	o. c. d. m.	14	12	0	11	8	16	37	49	44.2	37	46	43	29.43	29,65	29.52
o. c.	b. c. p. q.	b. c.	3	...	0	0	10	8	38	50	46.2	37	49	44.4	29.46	29.59	29.54
b. c.	b. c. p.	b. c.	3	2	0	0	18	3	37	54	44.7	36	53	44	29.46	29.55	29.50
o. c. r.	b. c. p. q.	o. c. r.	10	10	0	0	7	14	38	49	44.2	38	48	42.5	29.50	29.70	29.57
o. c. r. m.	b. c. p.	b. c.	4	4	0	2	14	5	38	52	44.2	37	51	42.5	29.73	29.91	29.82
b. c.	b. c.	b. c.	0	...	0	0	24	0	36	51	44	36	46	41.8	29.90	30.03	29.99
b. c.	b. c.	b. c.	0	...	0	0	22	2	34	54	43.7	33	48	40.9	29.99	30.09	30.04
o. c.	b. c.	b. c.	0	...	0	0	18	6	40	59	48.2	40	56	46.1	29.92	30.02	29.95
b.	b.	b. c.	0	...	0	0	24	0	39	60	50.3	38	56	45.9	29.90	30.02	29.97
b. c.	b. q.	b. c.	0	...	0	0	24	0	39	64	51.9	39	60	48.5	29.77	29.85	29.80
b. c.	b.	b. c.	0	...	0	0	24	0	40	60	49.4	39	55	46.1	29.77	30.02	29.87
b. c.	b. c. f.	o. c. m.	0	...	0	5	19	5	38	54	46.7	37	52	44.7	30.02	30.17	30.12
c.	b. c.	b.	0	...	0	0	20	4	41	57	48.2	40	53	46	30.10	30.15	30.12
b. c.	b.	b.	0	...	0	0	24	0	39	59	48.5	39	57	47.5	30.05	30.12	30.09
o. c. f.	b. c.	b. c.	0	...	0	5	15	9	44	59	49.1	...	...	....	30.06	30.11	30.08
o. c.	b. c,	b. c. m.	1	...	0	5	11	13	45	54	49.5	...	...	....	30.01	30.14	30.07
b. c. m.	o. c. q.	o. c. q. t.	1	...	0	5	10	14	44	60	53.3	...	...	....	29.81	30.02	29.91
o. c. q. d. m.	o. c. r.	o. c.	9	...	0	6	0	24	46	53	49.7	...	...	....	29.61	29.87	29.78
o. c. r.	o. c. q. r.	o. c. r.	15	6	0	0	3	18	45	57	49.1	...	...	...	29.35	29.72	29.54
b. c.	b. c.	b. c. p.	4	4	0	0	18	3	40	54	47.7	...	...	....	29.74	29.80	29.77
b. c.	b. c.	o. c. r.	4	9	0	1	20	2	41	56	48	40	54	45.8	29.76	29.81	29.78
o. c.	b. c. p.	b. c.	4	10	0	0	14	4	40	55	46.1	39	53	44.8	29.80	30.07	29.94
b. c.	b. c. q.	b. c. o. c. q.	...	6	0	0	20	4	41	54	48.2	40	53	47.2	30.08	30.31	30.20
o. c. q. r.	o. c. q. d. m.	o. c. f.	12	3	0	7	2	22	46	55	48.8	45	54	47.8	30.16	30.37	30.28
b. c.	b. c. z.	o. c. r.	5	8	0	0	10	13	42	55	48	41	54	47.2	29.87	30.39	30.17
o. c. r.	o. c. r.	o. c. r.	24	65	0	0	0	24	42	46	44.2	42	45	43	29.86	30.26	30.10
o. c. p.	b. c. p. f.	b. c. p.	7	4	0	0	7	9	42	50	46.2	41	48	44.8	30.26	30.41	30.34
o. c. m.	b. c.	b. c. f.	0	0	0	12	19	5	42	55	48.1	41	54	47	30.21	30.41	30.33
b. c.	o. c.	o. c. p.	3	0	0	0	6	18	41	58	50	40	57	48.9	30.06	30.26	30.15
o. c. r.	c. d.	o. c.	7	7	0	0	5	...	47	57	51.9	46	56	51.1	29.67	30.06	29.87
			131	$1\frac{170}{800}$	0	59	438										29.94

JUNE,

Day.	Winds.												Hours of calm.			
	First part.			Middle part.			Latter part.			Average force 24 hours.						
	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Direction.	Force.	Average force.		First part.	Middle part.	Latter part.	Total.
1	SSE.	1–5	2.5	WSW.	3	3	W.	2–4	2.7	2.7	....	....	4	4
2	v. c.	1–2	1.2	S. to W.	3–6	4.2	W.	3–4	3.9	3.3	2	....	....	2
3	W.	2–4	3	SW.	2–3	2.1	S.	1–3	2	2.3	....	....	....	....
4	SE.	1	1	W. E.	1 1–5	1 3	E. S.	3 1–5	3 3.3	2.	....	1	....	1
5	SW.	1–5	2	SSW.	1–2	1.7	S. E.	2–3 2–4	2.3 3	2.	....	....	1	1
6	NE. c.	1	1	W. S.	1–4 3	2 3	N.	1–2	1.6	1.8	2	....	....	2
7	NE.	1–2	1.4	W.	3–4	3.6	W.	3–4	3.3	3.	3	....	....	3
8	W.	1–2	1.6	W.	3–4	3.1	W.	1–4	2.6	2.5	....	....	....	....
9	W. NE.	1 1	 1	W. S.	1–2 2–3	1.2 2.2	SSE.	1–3	2.2	1.8	...	....	....	....
10	E. c.	1–2	1.3	S.	2–4	2.9	NE. SE.	3–6 7	4.3 7	3.3	3	....	....	3
11	SSE.	3–7	4.8	ESE.	1–6	3.1	E. v.	2–3 1–2	2.3 1.3	3.3	....	....	1	1
12	NE. c.	1–2	1.1	SW.	1–3	2.4	W.	1–4	2.2	2.	2	....	....	2
13	W. NE.	1 1	 1	SSE.	1–3	2.8	SSE.	1–5	2.4	2.1	2	....	....	2
14	E.	1–4	2.6	v.	1–2	1.7	W. NE.	1–2 4	1.7 4	2.1	....	....	....	....
15	E.	3–5	4	v.	2–5	3	v. NE.	2 1–3	2 1.8	3.	....	....	....	....
16	W. c.	1	1	SW.	1–4	2	S. W.	1 2–3	1. 2.5	1.6	4	....	3	7
17	W.	1–4	2	SSW.	1–3	2.4	SW. NE.	1–2 1	1.5 1	2.	....	....	1	1
18	W.	1	1	S.	2–4	3.8	SW. to NNW.	1–4	2.6	2.4	2	....	....	2
19	E.	1–2	1.1	S.	1–2	1.6	S.	1–3	2.1	1.6	....	....	....	....
20	v. SW.	1–4 1–2	2 1.8	SSW.	1–4	2.2	SSE. E.	2 1–3	2 2	2.	....	....	....	....
21	ESE. c.	1–2	1.5	SSE.	1–4	3	c. SE.	1–5	3.2	1.7	4	1	2	7
22	S.	1–4	2.6	S.	1–3	1.4	S. ENE.	1–2 1	1.3 1	1.8	1	1	1	3
23	SE. c.	2–3	2.5	S.	1–3	2.1	S. c.	1–2	1.8	2.	2	....	2	4
24	SSE. c.	1	1	S. W.	1–3 3–4	1.6 3.5	W.	2–3	2.9	2.3	5	1	....	6
25	W.	1–4	3	W.	3–4	3.2	SW. to NNE. c.	2–3	2.8	3.	....	....	3	3
26	c.	.....	.....	S.	1–2	1.5	c. W.	2–3	2.5	1.7	5	....	3	8
27	c. SW.	1–2	1.5	SW.	2–3	2.2	c. v.	1–2	1.2	1.7	3	....	2	5
28	N.	1	1	S.	1–3	2.3	W.	3–6	4.2	2.8	1	....	....	1
29	W.	4–5	4.4	W.	4–6	5	W.	1–5	3	4.1	....	....	1	1
30	NE.	1	1	S.	1–3	2.6	W.	1–5	3.1	2.3	1	....	....	1
										2.34	42	4	24	70

1880.

Weather.

State of sky.			Rain.		Hours of—				Ther.			Wet bulb.			Bar.		
First part.	Middle part.	Latter part.	Hours.	Amount in $\frac{1}{100}$ inch.	Snow or hail.	Fog or mist.	B. C.	Overcast.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.	Minimum.	Maximum.	Average.
									°	°	°	°	°	°			
o. c. p.	o. c. d.	o. c. d.	12	...	0	0	0	24	47	53	48.7	46	52	48.1	29.69	29.90	29.78
b. c.	b. c. q.	b. c.	1	...	0	0	23	0	43	58	50.1	42	57	49.1	29.92	30.17	30.08
o. c. m.	o. c. m. / b. c.	o. c.	0	...	0	11	8	16	46	59	50.5	46	59	49.7	30.05	30.18	30.12
o. c. m.	o. c. d.	o. c. q. r.	10	7	0	4	0	12	45	55	49.7	44	53	18.2	29.95	30.06	30.01
o. c. d.	o. c. / b. c.	o. c.	10	8	0	0	0	24	43	53	48.5	42	52	47.2	30.05	30.11	30.08
o. c. p.	b. c. m.	o. c.	2	2	0	9	6	18	42	58	47.5	41	57	46.4	29.85	30.04	29.95
b. c.	o. c. d.	o. c. m.	3	3	0	4	5	12	41	49	46.4	40	47	44.5	29.84	29.94	29.87
o. c. m.	o. c. m.	b. c.	1	3	0	0	8	16	45	55	48.5	44	53	47.3	29.93	30.23	30.09
c.	b. c.	b. c.	0	...	0	0	17	7	47	57	50.8	46	55	49.0	30.25	30.34	30.31
b. c.	b. c.	o. c. q. r.	9	...	0	10	12	12	48	52	50.2	46	50	48.2	29.93	30.30	30.14
o. c. q. r.	o. c. m. r.	o. c. m. r. / b. c.	18	46	0	4	4	20	40	53	46.7	39	51	45.5	29.88	29.95	29.93
b. c.	o. c. m.	b. c.	...	4	0	5	11	13	39	51	46.7	38	50	45.3	29.93	30.04	29.98
o. c. m.	c.	o. c.	1	...	0	0	3	21	46	53	47.8	44	51	46.4	29.66	29.93	29.78
o. c. p. q.	o. c. r.	o. c. p.	6	...	0	0	0	24	48	52	49.8	47	52	48.6	29.65	29.79	29.72
o. c. q.	b. c.	b. c.	1	...	0	0	18	6	48	57	52.	46	56	50.4	29.78	29.94	29.86
b. c.	b. c.	b. c.	0	...	0	0	24	0	46	61	54.5	45	58	52.2	29.87	29.99	29.91
b. c.	b. c.	b. c.	0	...	0	7	23	0	49	56	52.7	48	55	51.2	30.01	30.16	30.11
o. c. f.	b. c.	b. c.	0	...	0	6	17	7	46	54	50.9	45	51	49.2	29.98	30.12	30.04
o. c. f.	b. c. / o. c. r.	o. c. r.	10	...	0	21	12	12	44	54	50.3	43	53	48.7	29.95	29.99	29.97
o. c. r. m.	o. c. d. f	o. c. r. f.	16	...	0	26	0	24	49	53	50.7	47	52	49.2	29.97	30.12	30.05
o. c. r. m.	o. c. d. f.	o. c. r. f.	24	...	0	12	0	24	49	56	53.	48	55	51.8	29.87	30.01	29.93
o. c. r. f. m.	b. c.	o. c. f.	11	...	0	12	6	18	48	57	50.7	47	55	49.2	29.93	30.07	30.02
o. c. r. m.	o. c. f. m.	o. c. r. f.	16	...	0	8	0	24	46	53	49.2	45	52	48.3	30.01	30.10	30.06
o. c. r. f.	c. p.	b. c. / o. c.	8	...	0	0	10	14	45	56	50.7	44	54	48.2	30.01	30.37	30.23
o. c.	b. c.	b. c.	0	...	0	0	14	10	47	61	52.6	46	59	50.7	30.34	30.38	30.37
b. c.	b. c.	b. c. / o. c.	0	...	0	1	14	10	49	60	54.6	48	57	52.5	30.28	30.36	30.34
o. c.	b. c. / o. c.	o. c.	0	...	0	4	5	19	50	60	55.	48	58	53.4	30.23	30.30	30.26
o. c. / b. c.	b. c.	b. c. / o. c. f.	0	...	0	12	15	9	51	59	53.9	50	56	51.9	30.10	30.23	30.17
o. c. f. m.	c. f.	b. c.	0	...	0	12	11	13	48	53	50.7	46	52	48.6	30.10	30.20	30.16
o. c. d.	b. c.	b. c	3	...	0	0	20	4	43	55	50.4	42	53	48.5	30.20	30.24	30.22
			162	...	0	163	285	413			50.46			48.9			30.05

JULY,

Day.	Winds.															
	First part.			Middle part.			Latter part.			Daily average force.	Hours of calm.			
	Direction.	Force.	Average.	Direction.	Force.	Average.	Direction.	Force.	Average.		First part.	Middle part.	Latter part.	Total.
1	c. v'ble.	1-2	1.8	SW.	1-3	2.1	S.	1-3	2.1	2	3	....	....	3
2	NE. c.	1	1	S.	2	2	W. N.	1-2 1	1.5 1	1.5	3	....	....	3
3	v'ble.	1-2	1.3	SW.	1-3	2.1	SSW. c.	2	2	1.8	2	....	3	5
4	v'ble. WSW.	1-5 5-6	3 5.5	SSE.	5-6	5.7	S. W NE.	1-6 1 1	4 1 1	3.8	....	....	....	....
5	c. v'ble.	1-2	1.5	SW.	1-2	1.8	SW. W.	1-3 1	2 1	1.5	4	....	....	4
6	v'ble.	1-2	1.1	SSW.	1-4	2.3	S. c.	2	2	1.7	1	2	4	7
7	v'ble.	1-4	2	v'ble.	1	1	W. c.	1	1	1.2	4	1	3	8
8	c. NNE.	1	1	S.	1-3	2.2	W.	1-4	2.7	2.2	3	....	....	3
9	c. W.	1	1	S. WSW.	1-2 2-5	1.2 3.7	W.	3-4	3.8	2.4	2	....	....	2
10	W.	2-6	3.4	W. S.	1-2 2	1.7 2	S.	1-3	2	2.4	....	....	....	....
11	SE.	1-3	1.7	S.	1-5	2.5	v'ble. S.	1-2 1	1.4 1	1.8	....	2	....	2
12	c.	.....	.....	S.	1-3	2	W. c.	1-2	1.6	1.7	5	....	2	7
13	c. N.	1-4	1.8	NE.	3-5	4	SE. v'ble.	2-4 3	3.2 3	3.1	2	....	....	2
14	SE. SW.	2 1-3	2 1.7	W.	1-2	1.5	W. v'ble.	1-2 1	1.2 1	1.5	....	....	1	1
15	c.	.....	.....	c. S.	1-2	1.7	c. v'ble.	1	1	1.3	6	2	2	10
16	W.	1-2	1.6	c. ENE.	1-4	3.3	SE.	1-4	2.3	2.3	....	2	....	2
17	SE. W.	6 1-2	6 1.2	SE.	1-5	3.4	E.	2-5	3.8	3.4	....	....	....	....
18	E. SSE.	2-4 2	3 2	SE.	1-3	1.3	v'ble. E.	1-2 3-6	1.3 4.6	2.4	....	....	....	....
19	E. NE.	4-5 2-3	4.8 2.5	NE.	2-3	2.9	W.	1-2	1.6	2.8	....	....	1	1
20	c.	.....	.....	c. SSE.	1-5	2.5	SSE. E.	1 1	1	1.4	5	2	....	7
21	c. v'ble.	1-2	1.3	v'ble. W.	1-3 1-3	2.2 2.5	W.	1-3	1.6	1.8	5	....	....	5
22	c. W.	1	1	W. SW.	1-2 2-3	1.6 2.5	W. c.	1-2	1.3	1.5	3	....	6	9
23	v'ble. SE.	1-2 2-4	1.5 2.7	S.	3-6	4.6	SSE. N.	3-7 1	4 1	3.2	1	....	1	2
24	NE. v'ble.	1 1-2	1 1.5	W. SSW.	1-2 1-2	1.8 1.5	WSW. c.	1	1	1.3	2	1	6	9
25	c. NE.	1	1	W.	1-6	3	W.	1-6	3.3	2.7	4	....	....	4
26	WSW.	1-3	2	W.	2-5	4.1	W. c.	3-5	4	3.3	....	....	2	2
27	NE.	1-2	1.5	W.	1-2	1.5	c. SW.	1-2	1.5	1.4	2	....	2	4
28	E. S.	2-4 4-5	3 4.5	S.	1-3	2	SE.	1-2	1.5	2.3	1	....	....	1
29	c. E.	1	1	S.	1-3	2.2	S.	1-2	1.1	1.6	5	....	1	6
30	NE.	1-2	1.2	W. S.	1-2 2	1.3 2	S. c.	1-2	1.5	1.5	2	....	3	5
1	W.	1-3	2.3	W. S.	3 2-3	3 2.8	S. W.	1-2 1-2	1.3 1.3	2.1	1	....	2	3
										2.1	66	12	39	117

1880.

Weather.			Rain.		Hours of—		Ther.			Wet bulb.			Bar.			Hours of—	
First part.	Middle part.	Latter part.	Hours.	Amount.	B. C.	Overcast.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Low.	High.	Average.	Overcast.	Fog.
							°	°	°	°	°	°					
b. c.	c.	b. c.	...	.....	20	4	47	60	54. 0	45	55	51. 2	30. 12	30. 24	30. 18	...	...
b. c.	b. c.	b. c.	...	.....	24	...	45	62	54. 1	43	58	51. 1	30. 07	30. 11	30. 09	...	...
b. c.	b. c.	b. c.	...	.....	24	...	46	63	56. 6	44	58	53. 3	29. 79	30. 10	29. 95	...	...
o. c.	b. c.	o. c. b. c.	...	.....	16	1	48	59	55. 4	44	57	52. 4	29. 80	30. 05	29. 96	...	...
b. c.	o. c.	o. c.	...	.....	9	15	46	58	52. 8	43	57	50. 6	29. 88	30. 00	29. 92	...	...
o. c. d.	o. c.	o. c. r.	13	.....	...	24	50	55	52. 7	49	54	51. 3	29. 68	29. 84	29. 74	...	...
o. c. r.	o. c. r. m.	o. c. d. m	17	.....	1	20	50	56	52. 5	49	54	51. 4	29. 66	29. 86	29. 76	...	8
o. c. r.	b. c.	o. c. d. m.	10	.....	13	11	48	59	53. 2	48	56	51. 2	29. 87	30. 00	29. 95	...	5
o. c. r. m.	b. c.	b. c.	6	.....	11	9	49	60	54. 2	48	56	52. 1	30. 00	30. 09	30. 04	...	3
o. c. d. f. m.	c. m.	o. c. r.	9	.....	4	20	50	58	53. 0	49	55	50. 9	29. 99	30. 11	30. 06	...	14
o. c. r.	b. c.	b. c.	7	....	12	11	49	61	53. 3	48	51	51. 3	29. 90	30. 04	29. 97	..	...
o. c.	o. c.	o. c.	...	.....	1	23	51	55	53. 1	49	52	51. 0	30. 04	30. 22	30. 14	...	1
b. c.	o. c. d. q. m.	o. c. q.	7	.....	7	17	50	63	56. 8	48	58	53. 4	29. 97	30. 20	30. 07	...	5
o. c. r.	o. c.	b. c.	5	.....	8	16	52	58	54. 2	50	54	52. 4	30. 11	30. 25	30. 21	...	1
b. c.	b. c.	b. c. p.	1	.....	19	5	51	60	56. 5	50	58	54. 6	30. 00	30. 16	30. 12	...	...
o. c. d.	o. c. p.	o. c. p.	13	.....	2	21	57	68	60. 0	56	62	58. 0	29. 82	29. 98	29. 88	...	...
o. c. p. q.	o. c.	o. c. r.	6	.....	5	19	53	59	55. 5	51	54	52. 4	29. 82	29. 92	29. 88	...	...
o. c. r.	o. c. r. m.	o. c. q. r. m.	23	.....	...	24	51	56	53. 5	50	54	52. 2	29. 80	29. 93	29. 88	...	16
o. c. r. m.	o. c. m.	o. c. p. m.	11	.....	...	24	53	62	56. 5	52	58	54. 3	29. 65	29. 79	29. 73	...	19
o. c. r. m.	o. c. r. m.	o. c. r. m.	21	.....	..	24	52	56	54. 3	51	55	53. 2	29. 60	29. 90	29. 71	...	13
o. c. p.	b. c.	o. c.	5	.....	11	13	52	56	53. 2	51	55	52. 0	29. 93	30. 18	30. 07	...	7
o. c. d.	b. c.	b. c. p.	5	.....	10	9	51	61	56. 3	51	58	53. 9	30. 02	30. 19	30. 15	...	...
o. c. r.	o. c. q. p. m.	o. c. f.	12	.....	3	21	51	58	53. 9	49	55	52. 2	30. 05	30. 30	30. 15	...	13
o. c. b. c.	b. c. o. c. f. m.	o. c. r. m.	9	.....	8	16	49	59	53. 5	48	56	51. 7	30. 11	30. 27	30. 21	...	5
o. c. r. m.	o. c. b. c. q.	b. c. q.	9	.....	12	12	50	58	53. 8	49	57	52. 0	30. 04	30. 27	30. 13	...	4
o. c.	o. c. b. c.	b. c.	...	.....	11	13	51	56	53. 0	49	54	50. 9	30. 28	30. 34	30. 31	...	...
b. c.	o. c. r.	o. c. r.	11	.....	7	17	49	55	52. 5	48	54	50. 9	29. 81	30. 30	30. 10	...	...
o. c. q. r. m.	o. c. r. m.	o. c. r.	23	.....	...	24	51	55	52. 7	50	53	51. 3	29. 71	30. 01	29. 86	...	5
o. c. r.	b. c.	b. c. m.	9	.....	14	10	51	59	54. 6	50	57	53. 0	30. 00	30. 12	30. 00	...	5
o. c. m.	b. c.	b c.	...	.....	13	11	51	57	53. 9	49	54	51. 8	29. 97	30. 13	30. 06	...	8
b. c. o. c. m.	b. c.	b. c. p.	1	.....	19	5	51	63	56. 7	50	60	55. 2	30. 03	30. 09	30. 07	...	4
			233		284	445			54. 4			52. 36			30. 01		136

AUGUST,

Day.	Winds.															
	First part.			Middle part.			Latter part.			Daily average force.	Hours of calm.			
	Direction.	Force.	Average force.	Direction.	Force.	Average force.	Direction.	Force.	Average forec.		First part.	Middle part.	Latter part.	Total.
1	W. c.	1	1.0	S.	1-3	1.6	S.	1-2	1.3	1.4	5	....	1	6
2	c.	.....	.....	SW.	1-2	1.2	W. c.	3	3.0	1.6	5	....	2	7
3	c. SSE.	2-3	2.5	S.	1-4	3.0	W.	1-3	1.9	2.4	6	....	....	6
4	E. c.	1-2	1.2	SW.	1-3	1.7	SW. c.	1	1.0	1.5	4	1	4	9
5	NE. c.	1	1.0	S.	1-2	1.7	W. c.	1-2	1.8	1.6	4	2	3	9
6	c. v'ble.	1-2	1.5	E. S.	1-3 3-6	2.2 5.0	SE. E.	4-6 1.2	4.7 1.6	2.7	4	....	....	4
7	c. v'ble.	1-2	1.2	W. SSW.	2 2-3	2.0 2.8	c.	.....	.....	1.9	3	....	6	9
8	NE. E.	1-2 1-2	1.2 1.5	v'ble.	3	3.0	W. c.	3-4	3.6	2.5	2	....	2	4
9	NNE. c.	1	1.0	S.	1-3	1.9	v'ble.	2-4	2.6	2.0	3	1	....	4
10	W.	2-4	3.1	W.	3-4	3.7	W.	2-4	3.6	3.5	....	....	....	....
11	W.	2-5	3.0	S.	1-2	1.7	c.	.....	.....	2.0	1	....	6	7
12	NNW. c.	1-2	1.2	c. S.	1-3	2.2	S. c.	1-2	1.2	1.6	3	2	3	8
13	c.	.....	.....	S.	1-2	1.5	S. c.	1	1.0	1.2	6	1	4	11
14	c. W.	1-4	2.3	SW.	2-4	2.4	S.	1-2	1.3	2.0	5	....	1	6
15	NE.	3-6	4.0	E. SSE.	3-4 6-7	3-5 6.5	S.	1-3	1.7	3.5	....	....	....	....
16	v'ble.	1-4	2.4	v'ble. SSE.	1 2-3	1.0 1.0	c.	.....	.....	2.0	1	....	6	7
17	N. W.	1-2 1-3	1.8 2.0	W.	1	1.0	W. E. NW.	1-2 4-5 2	1.3 4.5 2.0	1.7	2	....	2	4
18	W. c.	1-2	1.2	S.	1-2	1.3	NW. SW.	1-2 1-4	1.2 2.7	1.5	3	1	3	7
19	SE.	1-5	2.7	SE. S.	1-2 2-4	1.5 2.7	S.	2-3	2.4	1.4	1	....	....	1
20	S.	1-4	2.6	E. SE.	1 1-2	..... 1.3	SSE. v'ble.	2 1-2	2.0 1.3	1.9	....	....	2	2
21	ESE.	1	1.0	S. v'ble.	1-2 1-2	1.8 1.5	W. SSW.	1-2 2-3	1.8 2.7	1.7	....	....	....	....
22	W.	1-2	1.5	W.	3-5	4.0	W.	3-5	4.1	3.2	....	....	....	....
23	W. v'ble.	1-2 1-2	1.3 1.3	E. v'ble.	1-2 1-2	1.2 1.3	W.	1-5	3.6	2.4	2	....	....	2
24	W. c.	1-2	1.3	W.	3-5	4.1	W.	1-4	2.7	2.8	3	1	1	5
25	W.	1-2	1.6	S.	1-3	1.7	v'ble.	1-3	1.4	1.6	....	2	3	5
26	W.	1-7	3.1	v'ble.	1-3	1.9	W. N.	2-4 1-2	3.0 1.7	2.5	....	....	2	2
27	v'ble c.	1-3	1.8	W.	3-4	3.6	W. c.	3-5	3.8	3.0	3	1	4	8
28	W. NE.	1 1	1.0	c. SW.	1-2	1.8	S. c.	1	1.0	1.4	3	2	4	9
29	NE. WSW.	1 2	1.0 2.0	SW.	1-2	1.4	S.	1	1.0	1.2	1	1	....	2
30	c. S.	1-2	1.2	SE.	1-3	2.0	E.	1-3	2.5	1.8	2	3	....	5
31	E.	1-2	1.2	E. SSE.	2-3 2-3	2.5 2.2	SE.	1-4	2.3	2.0	....	....	1	1
										2.05	72	18	60	150

1880.

Weather.

Clouds and sky.			Rain.		Hours of—		Ther.			Wet bulb.			Barometer.			Hours of—	
First part.	Middle part.	Latter part.	Hours.	Amount $\frac{1}{100}$ in.	B. C.	Overcast.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Overcast.	Fog.
							°	°	°	°	°	°					
b. c.	b. c.	b. c.	...	.....	19	5	54	73	61. 8	53	69	59. 1	30. 05	30. 11	30. 08	...	0
b. c.	b. c.	b. c.	...	.....	23	1	56	70	62	55	65	58. 7	30. 04	30. 09	30. 07	...	0
b. c.	b. c.	b, c.	...	.....	21	3	55	64	59. 2	54	62	57. 6	29. 86	30. 08	29. 98	...	0
o. c.	o. c. p. m.	c.	7	.....	2	21	55	61	58. 1	54	60	57. 1	29. 83	29. 89	29. 85	...	4
o. c.	o. c. p.	o. c.	4	.....	1	23	55	60	57	54	58	55. 6	29. 83	29. 93	29. 90	...	0
b. c.	o. c. r.	o. c. q. r. m.	7	.10	8	16	52	62	56. 6	50	59	54. 5	29. 78	30. 04	29. 87	...	5
b. c.	o. c. r.	o. c. r.	4	.....	15	8	50	59	55	49	57	53. 2	30. 04	30. 10	30. 06	...	0
b. c.	b. c.	b. c.	...	.....	22	2	49	66	56. 3	47	59	53. 3	30. 12	30. 27	30. 20	...	0
o. c.	o. c. m.	o. c. m.	1	.04	3	21	51	59	54. 8	50	57	53. 2	30. 19	30. 27	30. 24	...	21
o. c. m.	o. c. m.	o. c. m.	...	.....	2	22	52	57	54. 6	51	56	53. 5	30. 04	30. 19	30. 11	...	13
o. c. q. m.	b. c.	o. c. f.	...	.....	8	16	52	61	55. 9	51	58	54. 6	30. 00	30. 13	30.06	...	13
o. c. f. m.	b. c. f. m.	o. c. p. m.	2	.17	6	18	50	60	54. 5	49	58	53. 2	30. 08	30. 14	30. 10	...	24
o. c. f. m.	b. c.	b. c.	...	.....	17	7	52	72	60. 1	51	68	58. 0	29. 97	30. 15	30. 06	...	14
b. c.	o. c. p. m.	o. c. m.	4	.45	6	18	53	59	56. 2	52	57	54. 6	29. 93	29. 98	29. 95	...	9
o. c. p.	o. c. p. q.	o. c. r.	14	.40	...	24	53	62	57. 1	52	58	54. 8	29. 73	29. 93	29. 81	...	4
o. c.	o. c. d. m.	o. c. d.	10	.10	1	23	52	57	54. 2	51	55	53. 0	29. 89	29. 98	29. 94	...	7
o. c. p. m.	o. c. r.	o. c. r.	16	.40	...	24	52	59	54. 9	51	57	53. 6	29. 92	30. 06	30. 00	...	6
o. c. f. r.	o, c. r. m.	o. c. r. m.	17	.99	...	24	55	60	57. 4	54	58	56. 3	29. 79	30. 71	30. 04	...	24
o. c. r. f.	o. c. r. f.	o. c. r.	20	.62	...	24	54	59	56. 3	53	58	54. 7	29. 96	30. 13	30. 06	...	18
o. c. r. m.	o. c.	o. c. p. m.	9	.32	2	22	52	59	54. 5	50	56	52. 3	30. 10	30. 20	30. 16	...	17
o. c.	o. c. p. m.	o. c.	3	.20	4	20	50	55	52. 8	48	53	51. 2	30. 07	30. 16	30. 11	...	9
o. c. m.	o. c. m, b. c.	b. c.	1	.01	9	15	52	56	53. 9	50	54	52. 0	30. 16	30. 28	30. 22	...	9
o. c.	b. c.	b. c,	...	.....	14	10	52	69	57. 0	51	66	55. 7	30. 22	30. 31	30. 25	...	1
o. c. b. c.	b. c.	b. c.	...	.....	18	6	52	62	56. 9	51	58	54. 3	0. 153	30. 24	30. 20	...	0
o. c. r.	c.	o. c. d. m.	7	.13	3	21	52	62	55. 1	50	58	53. 2	30. 01	30. 14	30. 08	...	10
o. c. p.	o. c. p.	o. c. m.	5	.08	1	20	51	59	53. 6	50	57	51. 8	29. 99	30. 06	30. 02	...	12
o. c. b. c.	b. c.	b. c.	...	.....	17	6	51	61	55. 0	50	56	52. 7	30.04	30. 13	30. 09	...	0
c.	o. c.	o. c. d. m.	5	.03	4	20	51	59	54. 7	50	56	52. 7	30. 10	30. 17	30. 14	...	5
o. c. r. m.	o. c. d. f.	o. c. d. f.	17	.03	...	24	54	62	57. 6	52	60	56	30. 02	30. 11	30. 05	...	20
o. c. d. f.	o. c. r. m.	o. c. r. m.	21	1. 80	...	24	55	61	58. 0	54	59	56. 5	29. 92	30. 05	29. 96	...	24
o. c. r. m.	o. c. r. m.	o. c. r. m.	24	4. 00	...	24	54	60	57. 5	52	59	56. 1	29. 67	29. 91	29. 76	...	20
			198	9. 87	227	512			56. 4			54. 6			30. 05		280

SEPTEMBER,

Day.	Winds.												
	First part.			Middle part.			Latter part.			Daily average force.	Hours of calm.		
	Direction.	Force.	Average.	Direction.	Force.	Average.	Direction.	Force.	Average.		First part.	Middle part.	Latter part.	Total.
1	S.	1-2	1.3	E.	1-2	1.3	SE.	1-3	1.9	1.5	1	2	....	3
2	SSE. to NE.	1-2	1.2	E.	1	1	E. NE.	1 1	1	1.1	....	1	3	4
3	ENE.	1-3	2	C. SW.	1-2	1.6	S. to ESE.	1	1	1.5	....	2	....	2
4	N. to SE.	1	1	S. C.	1	1	C. v'ble.	1-2	1.4	1.1	2	3	2	7
5	NE.	1-8	6.1	ENE. ESE.	8 8-9	8 8.8	ESE. N.	2-8 1	4 5 1	6	....	....	1	1
6	N. to E.	1-2	1.7	C. SE.	2	2	SE.	1-4	2.1	1.9	1	3	....	4
7	E.	1-6	3.6	ESE.	1-4	2	E.	2-4	3	2.9	....	....	....	....
8	E. S.	1-4 4-6	2.6 5	S.	2-5	4.2	E.	1-4	2.6	3.5	....	....	1	1
9	ENE. WSW.	2-4 1-2	2.7 1.5	NW. SW.	1 1-3	1 2	WSW. ENE.	1-3 1-2	2 1.3	1	....	1	....	1
10	ENE.	1	1	E.	2-3	2.7	E.	3-4	4.3	2.7	....	....	....	....
11	ENE.	4-6	5.8	E.	2-6	4	C. v'ble.	1	1	3.8	....	1	2	3
12	NE.	1-3	2	E. to SSW.	1-4	2	SE. ENE.	1 1-2	2 1.3	1.7	....	....	1	1
13	NE.	1-3	1.3	ENE. C.	1-2	1.7	E.	1-5	3.1	2.2	1	2	....	3
14	E.	2-6	4	v'ble.	1-4	2	ENE.	1-2	1.1	1.5	....	1	1	2
15	c. NNE.	1-2	1.3	C.	.....	.....	ENE.	1	1	1.1	2	7	....	9
16	ENE.	1-2	1-1	E. ENE.	1-2 1-4	1.2 2.3	v'ble.	1-2	1.4	1.4	....	....	....	....
17	ENE.	1	1	WSW.	1	1	E. c.	1	1	1	....	2	3	5
18	ENE. NW.	2 1	2 1	W.	1-2	1.1	c. ENE.	1-3	1.4	1.3	....	....	2	2
19	E.	2-4	3.1	ENE.	2-4	3.6	E.	1-5	3.1	3.3	....	....	....	....
20	E.	2.6	4.8	NE. E.	6-7 5-7	6.2 6	ENE.	1-4	2.4	4.4	....	....	....	....
21	E.	2-4	2.7	W. SW.	1-2 1	1.3 1	c.	.....	.....	2.1	....	2	8	10
22	SW. WNW. ENE.	1	1	W.	1-3	2.5	W. c.	1-4	2.3	2	2	....	2	4
23	SE.	1-3	2	ESE. v'ble.	1-3 4-5	1.8 4.2	E.	2-6	4.1	3	1	....	....	1
24	E.	2-7	4.8	E. S. W.	2 2 2-3	2 2 2.8	W. E.	1-2 2-5	1.5 4.3	3.6	....	....	....	....
25	E. SE.	5-6 5-7	5.5 6	SE. WSW.	5-6 3-4	5.8 3.7	SW. v'ble.	1-4 1-2	2.2 1.5	4.2	....	....	....	....
26	E.	1-3	1.4	E.	1-2	1.1	ESE.	1-2	1.3	1.3	1	1	....	2
27	SE.	1-3	1.2	SE.	1-2	1.7	SE. to WNW. E.	1 2-4	1 3	..... 1.6	....	 1	....	 1
28	E.	2-5	3.1	E.	5-6	5.3	E. c.	2-5	3.2	..... 3.9	....	....	 2	 2
29	ENE.	1	1	SE. S.	1-2 3	1.4 3	S. ENE.	1-2 1-3	1.5 1.8	..... 1.6	 1	....	 1	 2
30	ENE. v'ble.	1-2 1	1.2 1	C.	....	....	NW. E.	1	1	1	1	6	1	8
										2.3	13	35	30	78

1880.

Weather.																	
Clouds and sky.			Rain.		Hours of—		Ther.			Wet bulb.			Bar.			Hours of—	
First part.	Middle part.	Latter part.	Hours.	Amount, $\frac{1}{100}$ inch.	B. C.	Snow and hail.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Low.	High.	Average.	Overcast.	Fog.
							°	°	°	°	°	°					
o. c. r. m.	o. c. r. f.	o. c. r. m.	13	1.66	...	...	51	55	53.5	50	55	52.0	29.78	29.97	29.89	24	20
o. c. m.	o. c. d. m.	o. c. q. r. m.	9	.36	1	...	50	56	52.2	49	55	51.0	29.87	29.98	29.93	23	18
b. c. m.	b. c.	b. c.	1	.19	22	...	47	57	52.2	46	55	50.8	29.86	29.99	29.91	1	5
b. c.	c. p. m.	c.	6	-----	8	...	48	56	51.8	46	54	50.4	29.87	30.04	29.99	12	5
o. c. q. r.	o. c. q. r. f. m.	o. c. q. m.	13	1.26	...	...	50	57	52.7	48	55	50.8	29.31	29.83	29.57	24	7
o. c p.	b. c.	b. c. p.	9	.38	8	...	49	56	52.6	48	54	51.0	29.76	29.92	29.85	9	0
o. c. q. r. m.	o. c. r. m.	o. c. r. m.	17	.65	...	...	51	56	53.2	49	54	51.5	29.55	29.85	29.78	24	18
o. c. q. r. f.	b. c. q. m.	o. c. r. m.	10	.46	10	..	45	56	51.2	44	53	48.9	29.45	29.68	29.57	14	6
o. c. r. m.	b. c.	o. c. r.	11	.32	10	..	44	53	48.2	42	51	46.8	29.64	30.10	29.85	14	5
b. c.	o. c. b. c.	o. c. q. r.	7	.30	11	...	48	55	51.5	46	52	48.8	30.12	30.27	30.19	13	0
o. c. q. r.	o. c. q. r. m.	o. c. m. b. c.	15	1.20	4	...	50	58	54.0	48	55	52.1	30.00	30.15	30.06	20	8
b. c.	b. c. r. b. c.	b. c.	6	.04	16	...	47	55	50.6	45	54	48.7	29.86	30.13	29.98	1	1
o. c. p.	o. c. p.	o. c. p. q.	10	.16	3	...	48	53	50.9	46	52	49.0	29.47	29.90	29.79	21	0
o. c. q. r.	o. c. r.	o. c. p.	17	1.11	...	...	51	54	52.1	48	52	50.1	29.21	29.44	29.28	24	0
o. c. d. b. c.	o. c. b. c.	o. c. r. m.	8	.19	4	...	47	55	51.6	45	54	50.3	29.26	29.70	29.50	20	5
o. c. r. m.	o. c. m.	b. c.	9	.65	8	...	48	56	52.1	46	55	50.5	29.72	29.89	29.83	16	8
b. c.	b. c.	b. c.	...	.03	24	...	45	58	50.2	44	55	48.6	29.90	30.08	29.99	0	0
b. c.	b. c.	o. c.	1	-----	17	...	44	56	50.2	42	54	48.4	30.05	30.21	30.16	7	0
b. c. q.	b. c. q.	o. c. q.	1	-----	13	...	51	59	55.4	49	56	52.1	29.83	30.15	29.99	10	0
o. c. q. b. c. q.	b. c. q.	o. c. q. r.	4	-----	3	...	53	63	58.7	52	56	53.7	29.58	29.79	29.66	21	0
o. c. p.	b. c.	b. c.	2	.02	15	...	52	60	56.5	51	58	54.7	29.63	29.82	29.75	9	0
b. c.	b. c.	b. c. o. c.	...	-----	20	...	50	56	52.8	48	54	50.9	29.82	29.91	29.87	4	0
o. c.	b. c. o. c.	o. c. p. q.	2	.04	4	...	48	56	53.1	46	54	49.8	29.85	29.90	29.88	20	0
o. c. p. q. m.	o. c. r. m.	o. c. p. q. m.	12	.29	...	...	53	58	54.7	50	55	52.8	29.84	29.99	29.91	24	16
o. c. r. q. m.	o. c. p. q.	o. c. p. q.	15	1.02	1	..	45	57	53.4	44	55	51.7	29.55	29.97	29.76	21	5
o. c. p.	o. c. m.	o. c. r.	18	.77	...	..	46	55	50.6	44	54	49.4	29.99	30.12	30.07	24	4
o. c. r.	o. c. r. m.	o. c. r. m.	20	.79	...	...	51	55	52.6	50	54	51.6	29.94	30.09	30.05	24	18
o. c. q. r.	o. c. p. q.	o. c. p. q.	19	.71	...	...	50	56	52.8	49	53	51.2	29.69	29.89	29.78	24	0
b. t. p. m.	b. c.	b. c.	1	.04	20	...	46	57	50.8	43	54	49.2	29.82	30.03	29.93	4	4
b. c.	b. c.	b. c.	...	.....	23	...	43	57	48.1	42	53	46.5	29.99	30.06	30.03	1	0
			256	12.64	255				52.3			50.4			29.86	453	153

OCTOBER,

Day.	Winds.									Daily average force.	Hours of calm.			
	First part.			Middle part.			Latter part.							
	Direction.	Force.	Average.	Direction.	Force.	Average.	Direction.	Force.	Average.		First part.	Middle part.	Latter part.	
1	NE.	1-2	1.4	v.	1-3	1.8	SW. / E.	1 / 1-6	1 / 4.2	2.2	3	4	....	7
2	E. / SE.	5 / 1-3	5 / 2.3	ESE.	1-2	1.6	E. / S.	1-7 / 8	2.5 / 8	2.8	1	....	....	1
3	SE.	1-5	3.3	c.	.....	.....	c.	.....	.....	2.5	....	5	7	12
4	c. / W.	1	1	c.	.....	.....	c. / E.	2	2	1	4	6	5	15
5	v.	1	1	c. / SW.	1-2	1.6	c. / WSW.	1	1	1.1	2	3	6	11
6	W. / ENE.	1-5 / 1	2.5 / 1	E. / S.	1-2 / 1-2	1.2 / 1.3	NE.	1-2	1.4	1.5	1	....	3	4
7	E.	1	1	W.	2-7	4.5	W. / c.	1-7	3.6	3.9	4	....	2	6
8	NE.	1-2	1.1	E. / S.	1-2 / 1-2	1.7 / 1.6	NE.	1-2	1.4	1.4	....	....	1	1
9	NE.	1-3	2.1	E.	3-7	4.6	ENE.	2-7	5.1	4	....	....	....	....
10	ENE.	3-5	4.4	ENE. to SE.	3-8	5.5	SE.	6-8	7.6	5.8	....	....	....	....
11	SE. / SW.	4-9 / 4-5	7 / 4.7	S.	3-6	5	SSW.	2-5	3.4	4.7	....	....	....	....
12	NE.	1-3	2	E.	1-2	1.4	ENE.	1-4	3	2	....	....	....	....
13	NE.	1-5	2.3	WSW.	1-2	1.4	ENE.	1-2	1.2	1.6	2	1	1	4
14	ENE.	1	1	v. / c.	1	1	c.	.....	.....	1	....	5	6	11
15	c. / v.	1-2	1.3	c. / SW.	1	1	c. / S.	1-2	1.3	1.2	4	3	5	12
16	E.	1-3	2.4	SE.	1-4	2.4	SE. / c.	1	1	2.2	1	1	5	7
17	NE.	1	1	v.	1-2	1.3	NE. / SE.	2-4 / 1-2	3 / 1.5	1.6	....	....	....	....
18	NE.	1-2	1.4	WSW.	1-3	1.5	SW. / NE.	1-3 / 1	1.8 / 1	1.4	1	....	....	1
19	NE. / SE.	1 / 1-2	1 / 1.2	NE. to E.	1-2	1.5	ENE. / W.	1 / 1-2	1 / 1.5	1.2	1	....	3	4
20	ENE.	2-8	5	ENE.	2-8	6	SE. / c.	1-2	1.3	4.8	..	....	5	5
21	c.	.....	.....	W.	1-2	1.4	c.	.....	.....	1.2	7	3	5	15
22	c.	.....	.....	WSW. to ESE.	1	1	NW. / c.	1	1	1	6	3	6	15
23	NW. / c.	1	1	NNW. to SW.	1-3	1.7	ENE. / c.	1	1	1.4	5	1	5	11
24	v.	1-2	1.4	ESE.	1-3	1.7	E.	1-3	2	1.7	3	....	....	3
25	E.	4-6	5	E. / S.	2-4 / 3-4	3 / 3.7	E.	1-5	3	3.7	....	....	....	....
26	E.	2-10	7	NE. / SE. / ESE.	7-9 / 8-12 / 6-7	8 / 1 / 6.5	v.	4-7	6.1	7.3	....	....	....	....
27	ENE.	1-4	2.6	NE. / SE.	1-2 / 2-5	1.5 / 3.8	E.	1-2	1.7	2.3	....	....	....	....
28	ENE. / SW.	2-4 / 1-5	3.2 / 3	SSE.	4-7	5	S. to ENE.	3-8	5	4.5	....	....	....	....
29	v.	2-5	3.1	ENE. / v.	1-2 / 1-2	1.2 / 1.8	S. to ENE.	1-4	2.3	2.3	....	....	....	....
30	E. to WSW.	2-7	5	NE. / WNW.	1-2 / 2	1.2 / 2	WNW. / SW.	3-6 / 3-5	4.8 / 3.7	3.6	....	2	....	2
31	SW. to E.	1-8	4.8	ENE.	1-3	2.1	E.	1-4	2.1	3.2	....	....	....	....
										2.6	45	37	65	147

1880.

Weather.			Rain.		Hours of—		Ther.			Wet bulb.			Barometer.			Hours of—	
First part.	Middle part.	Latter part.	Hours.	Amount $\frac{1}{100}$ inch.	B. C.	Snow and hail.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Overcast.	Fog.
							°	°	°	°	°	°					
b. c.	c.	o. c. q. r.	8	.35	9	...	45	55	49. 7	43	53	48. 2	29. 95	30. 04	30. 01	15	5
o. c. r. m.	o. c. m. / o. c. d. m.	o. c. q. r.	13	.58	...	...	54	57	55. 5	52	56	53. 9	29. 99	30. 16	30. 08	24	14
o. c. r.	o. c. m.	o. c. m.	9	.35	4	...	51	56	53. 5	50	55	52. 4	30. 04	30. 37	30. 27	20	16
o. c. f. m. / b. c.	b. c.	o. c. p.	5	.06	13	...	45	60	52	43	58	50. 6	30. 00	30. 33	30. 13	11	12
o. c. r. f.	o. c. p. f.	o. c. d. m.	12	.15	2	...	47	53	49. 9	46	51	48. 6	29. 85	29. 95	29. 91	22	11
o. c. p.	b. c. p. / b. c.	b. c. p.	5	.17	18	...	40	55	47. 3	39	54	46. 1	29. 74	29. 90	29. 83	5	0
b. c.	b. c.	b. c.	1	.04	22	...	38	51	44. 3	37	49	42. 3	29. 68	29. 88	29. 74	2	1
b. c. p. / b. c.	b. c.	b. c.	1	.001	20	...	42	56	47. 7	38	52	45. 4	29. 90	30. 10	30. 03	2	0
o. c.	o. c q. d.	o. c. q. r.	14	.29	1	...	44	49	47. 6	43	48	45. 8	29. 93	30. 08	29. 99	3	2
o. c. q. r.	o. c. q. r. m.	o. c. q. r. m.	24	4. 10	...	...	47	58	54. 7	47	56	53. 2	29. 57	29. 91	29. 77	24	4
o. c. q. r.	o. c. q. r. h. l. t.	o. c. r.	14	1. 40	...	5	43	56	47. 7	41	55	46	29. 52	30. 05	29. 86	24	0
c. p.	b. c. / o. c.	b. c.	2	.05	14	1	42	50	46. 1	40	48	44. 2	29. 63	30. 11	29. 93	9	2
o. c. d.	b. c.	o. c.	5	06	11	..	41	51	45. 3	39	48	42. 9	29. 62	30. 26	29. 93	12	6
o. c. r.	o. c. p.	o. c. r.	15	.64	..	...	43	49	45. 9	42	48	44. 8	30. 29	30. 35	30. 31	24	4
o. c. r. f.	o. c. r. f.	o. c. r.	22	1. 96	...	...	46	55	51. 5	45	54	50. 5	30. 19	30. 30	30. 24	24	14
o. c. r.	o. c. r. f.	o. c. m.	12	1. 05	4	...	50	56	53	49	55	51. 9	30. 15	30. 36	30. 26	20	12
b. c.	b. c.	o. c. r.	10	1. 78	13	...	47	54	50. 6	46	53	49. 5	29. 93	30. 35	30. 17	10	4
o. c. r. m.	o. c. r.	b. c.	8	2. 25	4	1	45	53	49. 3	44	52	48. 1	29. 79	30. 13	29. 94	18	6
b. c. p.	c. p.	b. c.	7	.28	8	...	44	52	47. 4	43	50	46. 2	30. 12	30. 26	30. 19	7	7
b. c. p. q.	o. c. q. r. m.	o. c. d. f.	12	.33	5	...	45	55	50. 5	44	54	49. 5	29. 92	30. 17	30. 04	19	9
o. c. f.	b. c. m.	b. c.	1	.....	14	...	49	54	51	48	53	49. 5	30. 19	30. 30	30. 26	9	11
b. c.	b. c.	b. c.	...	.....	24	...	44	57	49	43	56	47. 7	29. 84	30. 20	29. 98	0	1
b. c. / o. c. r.	o. c. r.	o. c. r.	18	.86	2	...	46	51	48. 2	45	49	47. 0	29. 63	29. 83	29. 71	21	2
o. c. r. m.	b. c.	b. c. p.	6	.26	14	...	47	55	50	46	53	48. 9	29. 20	29. 63	29. 50	9	0
o. c. q. r.	o. c r.	o. c. r. q.	18	.43	..	...	47	54	50. 6	45	53	49	29. 08	29. 46	29. 23	24	2
o. c. q. r.	o. c. q. r. / o.c.q.r. h.m.	o. c.q.r.h.l s.t.	9	.84	...	12	38	55	45	35	54	42. 8	28. 21	29. 27	28. 88	23	5
o. c. q. / c. p. h. s.	o. c. q. p. h. s.	o. c. s.	...	.23	2	16	34	40	37. 7	33	38	35. 7	29. 27	29. 51	29. 40	18	0
o. c. q. s.	o. c. q. h. s.	o. c. q. r. h. s	1	.45	...	20	36	43	39. 7	34	41	48	29. 41	29. 60	29. 49	24	0
o. c. r. h. s.	o. c. r.	b. c.	11	.58	4	2	39	45	41. 6	38	44	40. 3	29. 46	29. 76	29. 59	20	2
o. c. q. p h.	o. c. s.	o. c. s.	3	.12	1	15	34	43	38. 2	33	42	36. 9	28. 90	29. 63	29. 30	23	0
o. c. q. h. s.	o. c. s.	o. c. d.	3	.16	..	11	36	44	40	35	43	38. 8	29. 19	29. 47	29. 39	23	0
			269	19. 82	211	83			48			46. 6			29. 85	509	152

NOVEMBER,

Day.	Winds.									Daily average force.	Hours of calm.			
	First part.			Middle part.			Latter part.							
	Direction.	Force.	Average.	Direction.	Force.	Average.	Direction.	Force.	Average.		First part.	Middle part.	Latter part.	
1	NE.	1–3	1.3	v.	1–2	1.2	NE.	1–2	1.3	1.2	....	....	....	....
2	ESE. NE.	1–2 1–2	1.8 1.2	v.	1–2	1.2	NE.	1–2	1.4	1.4	....	....	1	1
3	ENE.	1–5	3.2	E.	5–8	6.8	ENE.	8	8	6	....	....	....	....
4	ESE.	8–10	9	SE.	4–9	7	E.	1–4	2.1	6	....	....	....	....
5	E. SW.	1–6 3–6	3.5 5	SW. v.	4–6 2–3	4.8 2.5	E.	1–3	1.6	3.2	1	....	....	1
6	NE.	1–6	2.7	v.	2–4	3	W.	3–5	4.1	3.3	....	....	....	....
7	W.	2–6	4.7	v.	1–4	1.7	ENE.	1–2	1.8	2.7	....	1	....	1
8	ENE.	1–4	2.5	E.	4–7	5.5	E.	3–7	4.8	4.2	....	....	....	....
9	NE.	4–5	4.6	v.	1–2	1.6	NE.	1–2	1.2	2.5	....	....	4	4
10	c. NE.	1	1	c. NE.	1	1	E.	1–2	1.5	1.2	3	3	...	6
11	E.	2–5	3.7	ENE.	5–7	6.3	E.	4–6	5.1	5	...	....	....	....
12	E.	4–5	4.6	E. NE.	4–5 3–4	4.5 3.2	E. SE.	3–4 5–8	3.5 3.3	4.5	....	....	....	....
13	SE.	6–10	8.8	ESE.	3–7	5	SE. c.	1–2	1.2	5.8	...	..	4	4
14	v.	1–2	1.2	W.	1	1	c.	.....	.....	1	4	1	7	12
15	c.	.....	.....	c.	.....	.....	c. SW.	1	1	1	8	5	5	18
16	c.	.....	.....	v.	1	1	c.	.....	.....	1	7	2	8	17
17	c.	.....	.....	c.	.....	.....	c.	.....	.....	1.3	6	7	8	21
18	NE.	1	1	N. c.	1	1	c. SW.	1–2	1.2	1	3	5	4	12
19	v.	1	1	c.	.....	.....	c.	.....	.....	1	4	7	6	17
20	E.	1	1	c.	.....	.....	c.	.....	.....	1	2	7	7	16
21	c. E.	1–2	1.3	E. c.	1	1	c.	.....	.....	1.1	5	6	6	17
22	c. ENE.	1–2	1.3	c.	.....	.....	NE. c.	1	1	1.3	5	6	6	17
23	c. ENE.	1–2	1.5	c.	.....	.....	c.	.....	.....	1.5	6	8	8	22
24	c.	.....	.....	NE. c.	1	1	c. SW.	1	1	1	6	5	3	14
25	SW.	1–2	1.3	c. SSW.	1	1	c.	.....	.....	1.1	2	4	6	12
26	SW. c.	1	1	ENE. c.	1	1	SSW. W.	1–2 2	1.5 2	1.4	2	5	....	7
27	W.	1–4	2.5	E. c.	1	1	c.	.....	.....	1.9	2	4	8	14
28	c. WSW.	1	1	c. WSW.	1–2	1.5	c.	.....	.....	1.4	6	4	7	17
29	c.	.....	.....	SSE. SSW.	2–3 2–4	2.3 3	SW. W.	1–2 1–2	1.5 1.2	2	3	....	2	5
30	v.	1–7	2.7	N.	6–8	7.1	N.	8–10	9.6	6.5	....	....	....	....
										2.5	75	80	100	255

1880.

Weather.

Weather.			Rain.		Hours of—		Ther.			Wet-bulb			Barometer.			Hours of—	
First part.	Middle part.	Latter part.	Hours.	Amount, $\frac{1}{100}$ inch.	B. C.	Snow and hail.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Overcast.	Fog.
							°	°	°	°	°	°					
o. c. d.	o. c. r. s.	b. c.	6	.41	7	6	35	42	38.2	34	41	37.1	29.31	29.65	29.45	15	0
o. c. s.	b. c. s.	b. c. p. b. c.	4	.30	7	11	35	50	38.6	34	49	37.4	29 69	30.09	29.92	9	0
b. c.	o. c. q. r. h.	o. c. q. r.	14	1.21	3	1	39	48	42.9	38	47	41.3	29.57	30.08	29.85	21	3
o. c. q. r.	o. c. q. r.	o. c. r.	24	4.93	...	..	51	55	52.8	49	54	51.6	29.22	29.51	29.35	24	0
o. c. q. r.	o. c. q. r.	o. c. p.	13	2.71	...	...	39	51	43.7	37	50	42.1	29.25	30.04	29.79	24	0
o. c. r. m.	o. c. r. m.	o. c. q. p. m.	19	1.09	1	1	38	44	40.7	37	42	39.5	29.23	29.94	29.52	23	15
b. c. s.	b. c. p. s.	b. c.	2	.07	9	9	35	42	37.8	34	40	36.4	29.73	30.14	29.97	10	0
o. c.	o. c. q.	b. c. q.	...	.02	4	...	37	46	43	35	43	40.4	29450	30.11	29.79	20	0
o. c. q.	b. c.	b. c.	...	-----	19	...	34	46	41.2	32	45	38.9	29.49	30.07	29.71	5	0
o. c r	o. c. d.	o. c. p.	17	.19	3	...	36	46	41.1	34	45	39.7	30.10	30.33	30.26	19	4
b. c.	o. c. q. d.	o. c. q. d.	6	.06	8	...	44	50	46.3	42	47	44	30.00	30.29	30.10	16	4
o. c. q. d.	o. c. q. r. m.	o. c. q. r.	15	.80	...	...	50	55	53.2	48	54	51.7	30.07	30.16	30.11	24	4
o. c. q. r.	o. c. q. r.	o. c. r.	23	2.03	...	...	51	54	52.6	50	53	51.3	30.15	30.66	30.38	24	0
o. c. d.	o. c. r. f.	b. c. f.	17	.27	6	...	46	51	48.9	45	50	47.9	30.70	30.93	30.82	18	18
b. c. f.	b. c.	b. c. f.	...	.07	24	...	40	54	44.7	39	52	43.4	30.72	30.88	30.78	0	20
b. c.	b. c.	b. c. f.	...	.02	24	...	39	51	42.6	38	50	41.3	30.53	30.71	30.63	0	7
b. c. f.	b. c. f. o. c. f.	o. c. f.	3	-----	12	...	35	42	38.6	33	41	37	30.26	30.51	30.37	12	24
o. c. d. f.	b. c.	o. c.	3	.03	6	...	37	44	40.5	36	43	39.4	30.16	30.25	30.20	18	8
o. c. d.	o. c. r. f.	o. c. r.	22	.60	...	...	40	45	43.2	40	44	42.4	30.09	30.20	30.13	24	10
o. c. r.	o. c. r. f.	o. c. p. f.	17	.37	...	..	44	47	45.2	42	46	44.1	30.20	30.27	30.24	24	14
o. c. r.	o. c. r. b. c.	b. c. f.	11	.25	12	...	36	47	43	35	46	41.9	30.19	30.37	30.26	12	9
b. c.	b. c. f.	o. c. f.	...	.02	15	...	35	45	37.5	34	42	36.3	30.39	30.50	30.45	9	16
b. c. f.	b. c. f.	o. c. f.	...	.02	14	...	33	41	37.9	33	40	37.1	30.33	30.48	30.43	10	21
o. c. d. m.	o. c. d. f.	o. c. d.	18	.28	...	...	43	48	45.7	41	47	44.7	30.37	30.43	30.39	24	16
o. c. d.	b. c. d. f.	o. c. m.	13	.14	6	..	45	48	46.4	44	47	45.3	30.39	30.50	30.44	17	17
o. c. d. f.	o. c. d. f.	o. c. d. f. b. c.	18	.15	4	...	44	48	45.9	43	47	45	30.43	30.51	30.47	20	15
b. c.	o. c.	o. c. d.	4	.06	10	...	42	47	44.7	41	46	43.7	30.37	30.44	30.41	14	2
o. c. d.	b. c. f.	o. c. r. f.	10	.10	7	...	45	50	46.5	44	49	45.5	30.27	30.33	30.30	17	9
o. c. r.	o. c. r. f.	o. c. d. b. c.	12	.58	4	...	42	49	46	41	48	45	29.76	30.28	29.98	20	12
b. c.	b. c. q.	b. c. q.	...	.00	24	...	37	50	46	32	45	39.3	29.78	30.06	29.90	0	0
			291	16.78	229	28			43.8			42.4			30.147	483	248

DECEMBER,

Day.	Winds. First part. Direction.	Force.	Average.	Middle part. Direction.	Force.	Average.	Latter part. Direction.	Force.	Average.	Daily average force.	Hours of calm. First part.	Middle part.	Latter part.	
1	N.	3–10	6.7	NNW. ENE.	4–5 2–6	4.5 4.4	c.	....	.....	4.5	....	1	6	7
2	c. N.	1–3	1.4	v.	1–3	1.4	c.	.....	.....	1.4	3	1	7	11
3	c. W.	1	1	NE.	1	1	NE.	1	1	1	3	3	1	7
4	E to N.	1–3	2.1	NE.	2–4	2.6	v.	1–4	2	2.2	1	....	2	3
5	NNE.	4–8	6.3	ENE.	3–7	5.4	NE.	1–6	3	5.0	.	..	2	2
6	c. ENE.	1–2	1.5	NNE. to ENE.	1–3	2	NE.	1	1	1.6	3	..	4	7
7	c. N.	1–2	1.8	c. WSW.	1–2	1.6	E. v.	1–6 1	2.5 1	1.6	4	2	1	7
8	c. SW.	1	1	W.	1–3	1.5	W. v.	1–2 2–4	1.8 3	1.8	6	....	....	6
9	E.	5–8	6.6	E.	4–7	5.5	E.	4–7	5.7	6.0	..	....	....	....
10	SE.	5–10	7.1	E. to SSE.	5–8	6.5	SSE. NE.	2–7 1–3	5.5 1.2	5.7	....	....	....	...
11	E.	2–6	4.7	ENE. to SSW.	1–10	4	S.	3–9	6.3	4.7	....	....	...	..
12	ESE.	3–8	5.3	SSW.	3–6	4	SSE.	2–6	4.2	4.5	....	....	....	....
13	ENE.	4–6	5.2	E.	1–5	3.1	E. to SW.	1–8	4.1	4.2	....	....	..	....
14	W to SSW NE.	2–7 2	4.2 2	v.	2–5	3.4	E.	2–6	3.9	4.0	....	....	..	....
15	E.	2–6	4.7	ENE.	1–3	2.5	E.	3–5	3.7	3.7	....	....	....	..
16	E.	3–6	4.4	E.	1–3	2.1	SE. ENE.	2–6 1–2	3 1.8	2.9	....	..	....	....
17	E. to S. v.	3–7 3–6	5 4.5	v. SSW.	4–6 5–8	5.2 7	S.	3–7	5.4	5.3	....	....	....	....
18	SW.	6–8	7	SSW. to W.	4–6	5	NE. ESE.	1	1	4.2	..	....	....	....
19	NE.	1	1	ENE.	1	1	NE.	1	1	1	1	2	1	4
20	c. v.	1	1	NE.	1	1	c.	.....	.....	1	5	5	6	16
21	c. NE.	1	1	c.	.....	.....	c.	.....	.....	1	4	7	8	19
22	c. NE.	1	1	c.	.....	.....	c.	.....	.....	1.3	6	7	8	21
23	NNW.	1	1	NE. c.	1	1	c.	.....	.....	1.2	4	4	8	16
24	NE.	1	1	WNW. to NE.	1–2	1.5	NE.	1–6	2.7	1.9	3	2	....	5
25	NE.	2–5	4.3	NE.	4–6	5.5	NE.	3–6	4.4	4.7	..	....	....	....
26	NE.	1–5	2.4	NE.	2–4	2.5	v.	1–2	1.7	2.2	....	....	3	3
27	W.	1–2	1.4	W. ENE.	2 4–7	2 5.4	E.	4–8	6.5	4.1	1	....	...	1
28	NE.	6–8	7.5	ENE.	7–9	8.	ENE.	6–8	7.5	7.7	..	....	....	....
29	ENE.	6–8	7.3	E.	4–5	4.3	E.	1–4	2.5	4 7	....	....	..	....
30	ENE.	1–6	4.4	ENE.	1–3	2.3	NE.	1–3	2	2.9	....	...	1	1
31	v.	1–2	1.2	NE. c.	1	1	c.	.....	.....	1.1	3	5	6	14
										3.2	47	39	64	150

1880.

Weather.																	
Clouds and sky.			Rain.	Hours of—	Ther.			Wet bulb.			Barometer.			Hours of—		
First part.	Middle part.	Latter part.	Hours.	Amount, $\frac{1}{100}$ in.	B. C.	Snow and hail.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Lowest.	Highest.	Average.	Overcast.	Fog.
							°	°	°	°	°	°					
b. c. q.	b. q.	b.	...	....	24	...	26	36	30. 8	..	33	.....	30. 10	30. 46	30. 38	0	0
b.	b. c.	b. c.	...	.....	24	...	26	34	30. 4	..	..	.....	30. 11	30. 41	30. 29	0	0
o. c.	b. c.	b. c.	...	.....	15	...	28	44	33. 7	..	42	.....	29. 73	30. 10	29. 86	9	0
b. c.	b. c.	b. c.	...	.....	20	...	28	34	31. 4	..	..	....	29. 58	29. 72	29. 64	4	0
b. c. q.	b. c. q.	b.	...	....	24	...	20	29	23. 6	..	..	....	29. 67	29. 83	29. 76	0	0
b.	b.	b.	...	.....	24	...	19	25	21. 4		..	....	29. 59	29. 67	29. 64	0	0
b. c.	b. c.	o. c. p. s.	..	.57	17	7	20	33	28. 1	..	..	.....	29. 35	29. 59	29. 47	7	0
o. c. d. m.	c. c. r.	o. c. r.	19	.22	...	...	35	44	39. 5	33	43	38. 5	29. 28	29. 35	29. 32	24	12
o. c. q. r.	o. c. q. m.	o. c. q. r. l.	11	.30	..	...	42	50	46. 3	41	46	44. 3	29. 02	29. 28	29. 15	22	6
o. c. p. q. h. l. t.	o. c. q. r. m.	o. c. q. r.	19	.99	...	2	39	46	42	38	44	40. 8	29. 25	29. 57	29. 38	24	4
o. c. q. r.	o. c. q. r.	o. c. q. h. s.	16	.96	...	6	35	45	40. 7	34	44	39. 5	28. 58	29. 30	28. 92	24	0
o. c. q. r. h. s.	o. c. q. s.	o. c. q. p. s.	...	.55	1	23	34	36	34. 5	32	35	33. 5	29. 08	29. 46	29. 28	19	0
o. c. q. r.	o. c. q. r. s.	o. c. r.	11	.26	...	7	37	42	38. 7	35	40	37. 3	28. 60	29. 41	28. 93	...	...
o. c. p. q. s.	l. c. p. q. h. s	o. c. p. q. h. s.	2	.59	3	18	29	33	31. 2	..	..	.....	28. 89	29. 14	29. 07	...	...
o. c. p. q. h. s.	b. c. s.	b. c. q. s.	...	.....	2	22	27	32	29	..	..	.. .	29. 07	29. 22	29. 14	...	...
b. c. q. s.	b. c. q. s.	b. c.	...	.....	12	10	29	32	30. 5	..	..	....	29. 22	29. 43	29. 33	...	...
o. c. q. s.	b. c. q. s.	o. c. q. s.	..	.....	2	19	29	33	31. 3	..	..	.....	29. 41	29. 76	29. 58	...	...
o. c. p. h. s.	b. c. q. s.	b. c. s.	...	.02	4	20	29	34	31	..	32	....	29. 77	30. 08	29. 93	...	...
b. c	b. c.	b. c.	..	...	21	...	27	33	29. 5	..	32	.....	30. 12	30. 28	30. 21	...	...
b. c.	b. c.	b. c.	...	.....	23	...	25	32	28	..	..	.....	30. 15	30. 26	30. 19	...	...
b. c.	b. c.	b. c.	..	.....	24	...	23	31	27. 4	..	..	....	30. 06	30. 17	30. 10	...	...
b. c.	b. c.	b. c. / b.	...	.....	24	...	26	35	30	..	34	.....	29. 95	30. 07	30. 02	...	...
b. / b. c.	b. c.	b.	..	..	24	...	26	32	27. 8	..	..	.....	29. 79	29. 95	29. 86	...	...
b. / b. c.	b. c.	b. c. q.	..	..	24	...	22	35	28. 5	..	33	.....	29. 79	29. 86	29. 83	...	...
b. c. q.	b. c. q.	b. q.	...	.....	24	..	22	26	24. 4	..	..	....	29. 85	30. 20	29. 99	...	...
b. c.	b.	b. c.	...	.....	24	...	25	28	25. 9	..	..	.....	29. 90	30. 21	30. 09	...	...
o. c.	b. c. q.	o. c. q. p. s.	1	.06	6	6	28	41	35. 3	..	39	.....	29. 70	29. 89	29. 82	...	...
o. c. q. d.	b. c. q.	b. c. q.	10	.03	11	..	41	47	44. 4	40	43	40. 5	29. 44	29. 69	29. 52	...	...
o. c. q. r.	b. c. p. q.	b. c.	5	.40	11	..	42	47	45. 1	40	44	41. 5	29. 61	29. 87	29. 80	...	...
o. c. q.	o. c. d.	o. c. d.	11	.03	5	...	40	48	44	39	45	41. 7	29. 63	29. 78	29. 67	...	...
o. c. d. / b. c.	b. c.	b. c.	3	.02	21	..	34	42	38. 1	33	41	37. 2	29. 70	30. 12	29. 93	...	...
			108	5. 00	414	140			33						29. 68		

RECAPITULATION OF WIND.

Force and direction of wind during eighteen months—June 1, 1879, *to November* 30, 1880.

[Collated from the log-book of the United States steamer Jamestown, at Sitka, Alaska.]

Time.	Direction.									Force.																	
	Hours in record.	NE. (N. to E. by N.)		SE. (E. to S. by E.)		SW. (S. to W. by S.		NW. (W. to N. by W.)		Calm.		Hours marked.			Per cent., 0-3.	Hours marked.				Per cent., 4-7.	Hours markd.			Per cent., 8-10.	Hours marked.		Per cent., 8-12.
		Hours.	Per cent.	Hours.	Per cent.	Hours.	Per cent.	Hours.	Per cent.	Hours.	Per cent.	1.	2.	3.		4.	5.	6.	7.		8.	9.	10.		11	12	
1879.																											
June	720	78	.....	107	.....	241	.....	94	.....	200	.....	223	141	87	.....	57	12	....	....	.....	....	....	....	....	....	....	....
July	744	88	.....	79	.....	231	.....	217	.....	129	.....	313	145	80	.....	63	14	....	....	.....	....	....	....	....	....	....	....
August	744	179	.....	162	.....	142	.....	103	.....	158	.....	316	129	59	.....	47	20	8	4	.....	3	....	....	....	....	....	....
Summer	2,208	345	15.62	348	15.63	614	27.77	414	18.75	487	22.23	852	415	226	89.67	167	46	8	4	10.19	3	0	..	0.02	....	....	....
September	720	175	.....	214	.....	98	.....	82	.....	151	.....	287	106	61	.....	61	22	18	12	.....	1	1	....	....	....	....	....
October	744	360	.....	189	.....	57	.....	87	.....	51	.....	299	134	83	.....	66	40	23	26	.....	19	3	....	....	....	....	....
November	720	452	.....	156	.....	14	.....	63	.....	35	.....	227	171	95	.....	67	48	35	19	.....	12	4	7	....	....	....	....
Autumn	2,184	987	45.19	559	25.59	169	7.71	232	10.61	237	10.90	813	411	239	77.84	194	110	76	57	19.79	32	8	7	2.15	....	....	....
December	744	425	.....	156	.....	33	.....	90	.....	40	.....	328	115	56	.....	50	56	45	28	.....	26	....	....	....	....	....	....
1880.																											
January	744	455	.....	153	.....	54	.....	62	.....	20	.....	248	132	89	.....	76	59	68	30	.....	22	....	....	....	....	....	....
February	696	310	.....	136	.....	125	.....	69	.....	56	.....	287	111	74	.....	62	36	17	25	.....	19	9	....	....	....	....	....
Winter	2,184	1,190	54.48	445	20.37	212	9.71	221	10.11	116	5.33	863	358	219	71.24	188	151	130	83	25.27	67	9	....	3.60	....	....	....
March	744	360	.....	149	.....	125	.....	41	.....	69	.....	256	160	103		63	31	42	12	.....	8	..	..	....	....	....	....
April	270	206	.....	166	.....	89	.....	96	.....	163	.....	213	112	105	.....	64	31	18	7	.....	6	1	....	....	....	....	....
May	744	194	.....	161	.....	162	.....	91	.....	136	.....	216	141	136	.....	59	37	11	5	.....	3	....	....	....	....	....	....
Spring	2,208	760	34.42	476	21.55	376	17.02	228	10.35	368	16.66	685	413	344	81.80	186	99	71	24	17.40	17	1	....	0.90	....	....	....
Year	8,784	3,282	37.36	1,828	20.81	1,371	15.62	1,095	12.46	1.208	1,375	3,213	1,597	1,028	80.21	735	406	285	168	18.16	119	18	7	1.65	....	....	....

June	720	85	.....	138	.....	215	.....	212	.....	70	.....	200	173	163	.....	73	33	6	2	.....	....	....	....	....	....	....	....
July	744	90	.....	123	.....	206	.....	207	.....	117	.....	256	181	93	.....	47	28	21	1	.....	....	....	....	....	....	....	....
August	744	78	.....	132	.....	191	.....	193	.....	150	.....	233	175	99	.....	61	16	7	3	.....	....	....	....	....	....	....	....
Summer	2,208	253	11.46	393	17.80	612	27.72	612	27.72	337	15.26	689	529	355	86.50	181	77	34	6	13.50	....	....	....	..	....	....	....
September	720	211	.....	301	.....	92	.....	38	.....	78	.....	279	136	78	.....	54	41	36	4	.....	10	4	..	....	....	....	....
October	744	195	.....	223	.....	117	.....	62	.....	147	.....	224	136	60	.....	54	45	30	20	.....	19	4	2	....	2	1	....
November	720	188	.....	136	.....	87	.....	54	.....	255	.....	199	71	28	....	46	36	26	17	.....	22	10	10	....	....	....	....
Autumn	2,184	594	27.20	660	30.22	296	13.55	154	7.05	480	21.98	702	343	166	77.43	154	122	92	41	18.72	51	18	12	....	2	1	3.85

RECAPITULATION OF WEATHER.

Meteorological record during eighteen months—June 1, 1879, *to November* 30, 1880.

[Collated from the log-books of the United States steamship Jamestown, at Sitka, Alaska.]

Months.	Hours and percentages of time of—										Barometer.			Thermometer.			Wet-bulb.			Average temperature at surface.	Rainfall in inches, and $\frac{1}{100}$ inch.
	Rain.		Snow or hail.		Fog or mist.		Overcast.		B. C.												
	Hours.	Per cent.	Hours.	Per cent.	Hours.	Per cent.	Hours.	Per cent.	Hours.	Per cent.	Maximum.	Minimum.	Average.	Maximum.	Minimum.	Average.	Maximum.	Minimum.	Average.		
1879.																					
June	298	.....	.....	.....	300	.....	562	.....	144	.....	30.22	29.82	29.99	61	44	50.7	54	43	48.7	.....	.....
July	137	.....	.....	.....	170	.....	367	.....	351	.....	30.33	29.64	30.00	69	45	55.1	67	43	53.5	.....	.....
August	187	.....	.....	.....	53	.....	320	.....	404	.....	30.25	29.43	29.90	70	45	57.2	69	44	55.7	.....	9.87
Summer	622	28.1	.....	.....	523	23.7	1,249	56.56	899	40.9	30.33	29.43	29.96	70	44	54.3	69	43	52.6	.....	.....
September	277	.....	1	.....	118	.....	474	.....	212	.....	30.31	30.18	29.82	75	39	54.5	71	38	55.2	.....	*3.22
October	144	.....	53	.....	32	.....	311	.....	432	.....	30.65	30.04	29.74	63	24	33.3	59	35	.....	.....	8.66
November	167	.....	22	.....	77	.....	339	.....	337	.....	30.50	28.52	29.68	51	+9	39.3	49	33	.....	.....	4.40
Autumn	588	26.9	76	03.4	221	10.0	1,124	50.90	1,006	46.2	30.65	28.52	29.75	75	+9	45.7	71	33	.....	.....	16.28
December	97	.....	166	.....	54	.....	405	.....	332	.....	30.66	29.02	29.81	43	17	31.2	...	....	.....	.....	4.31
1880.																					
January	87	.....	213	.....	37	.....	329	.....	361	.....	30.28	28.84	29.57	40	—7	20.6	....	....	.....	39°	4.45
February	116	.....	224	.....	74	.....	362	.....	273	.....	30.58	29.13	29.88	43	+8	31.3	....	....	.....	39	7.25
Winter	300	13.7	603	27.5	165	7.5	1,096	49.64	967	44.4	30.66	28.84	29.75	43	—7	27.7	....	....	.....	39	16.01
March	48	.....	148	.....	58	.....	280	.....	437	.....	30.92	29.25	29.93	50	+8	31.1	49	34	.....	39.5	1.88
April	117	.....	8	.....	51	.....	303	.....	406	.....	30.40	29.23	29.73	64	26	42.6	58	34	.....	42	1.62
May	131	.....	.....	....	59	.....	247	.....	438	.....	30.42	29.46	29.94	64	36	47.8	60	33	.....	46.5	1.84
Spring	296	13.6	156	07.0	168	7.5	830	37.59	1,281	58.1	30.92	29.23	29.87	64	+8	40.5	60	33	.....	42.7	5.34
Year	1,806	20.6	835	09.5	1,077	12.2	4,265	48.5	4,152	47.2	30.92	28.52	29.83	75	—7	42.1	69	33	.....	.....	39.63

June	162	.....	.....	.....	163	.....	413	.....	285	.....	30.38	29.65	30.05	61	39	50.5	59	38	48.9	48	4.76
July	233	.....	.....	.....	136	.....	445	.....	284	.....	30.34	29.60	30.01	68	45	54.4	60	43	52.4	49	4.15
August	198	.....	.....	.....	289	.....	512	.....	227	.....	30.31	29.67	30.05	73	49	56.4	69	48	54.6	50	9.87
Summer	593	26.8	.....	.....	588	26.1	1,370	62.04	896	36.7	30.38	29.60	30.04	73	39	53.8	69	38	52.0	49	18.71
September	256	.....	.....	.....	153	.....	453	.....	245	.....	30.27	29.21	29.86	63	43	52.3	58	42	50.4	51.5	12.64
October	269	.....	83	.....	152	.....	509	.....	211	.....	30.37	28.21	29.85	58	34	48.0	58	33	46.6	49	19.82
November	291	.....	28	.....	248	.....	483	.....	229	.....	30.93	29.23	30.15	55	41	43.8	54	32	42.4	44.4	16.78
Autumn	816	36.9	111	5.0	553	25.1	1,445	65.44	685	31.8	30.93	28.21	29.95	63	34	48.0	58	32	46.5	48.3	49.24

*Seven days' observations.

PART V.

GENERAL CHARACTER OF THE COUNTRY, AND OF ITS NATIVES AND RESOURCES.

PART 2.

GENERAL CHARACTER OF THE COUNTRY.

DISTRIBUTION OF ITS INHABITANTS, AND THEIR MANNERS AND CUSTOMS.

The Territory of Alaska has an area of nearly 600,000 square miles, and its name is said to be derived from the Indian words Alas shak (great land).

It extends from latitude 71° 27′ north, where at Point Barrow is the northernmost limit of the United States, to 51° 12′, the southernmost of the Aleutian Islands. And from longitude 130° 02′ W. to Cape Wrangell, the westernmost point of the United States, in longitude 187° 34′ W., covering thus 20° of latitude and 57° of longitude.

Over 20,000 square miles of its area are comprised in two great archipelagoes—the Aleutian, which stretches over nearly to Asia, beginning at the southern point of Alaska, and the Alexander, which, beginning with Tchitchagoff Island, whose northern shore is on Cross Sound between latitudes 58° and 59° north, extends to the southward, merging into the Archipelago, lying off the coast of British Columbia from three to four degrees of latitude, and of a width of from 50 to 70 miles.

I would respectfully submit a few facts in regard to this country, its natives, and their distribution, and in regard to their customs, manners, superstitions, and laws, which I have not as yet described.

The natives of Alaska are, by the latest authorities, estimated at over 30,000. These are divided into three great classes, viz: the Innuits of the Yukon District, the Aleutians, and the Sitkans. These classes are subdivided into tribes and families.

The natives of the Alexander Archipelago are all of the Sitkan tribe, and are called Chilkhats, Chilkhoots, Hoonahs, Auks, Takus, Stahkines, Kootznoos, Kakes, &c., according to the location of their settlements.

The subdivision into families is a subordinate one in some respects, but important in others. Each family has its badge or totem, rude carvings of which adorn the door posts, and tablets within the houses. Among the totems are the whale, eagle, bear, wolf, sea-otter, frog, porpoise, and seal. The family badge has some of the properties of caste marks in Oriental nations, and others widely different, resembling more those of family crests and coats of arms among civilized nations.

Members of the same family may not intermarry, and in marrying into other families the two totems are combined, and that of the woman given precedence. It is quite common to see tablets belonging to the older families, on which, surmounting and blended into each other, are several of the above totems.

Alaska, as I have said, is inhabited by from 20,000 to 30,000 natives. The influence of the Jamestown has not been felt by over 5,000 of these natives, nor have we had any opportunity to come in contact with any

except this small percentage, who dwell in villages on the islands of the Alexander Archipelago, and upon the adjacent coast.

Kodiak and the Aleutian Islands were separated from us by, at the nearest point, 500 miles of sea, and it is doubtful if the Creoles, Aleuts, Innuits, and Esquimaux, who are natives of these western lands, even knew of our presence at Sitka, unless through information obtained via San Francisco, by the agents of the various commercial companies who are located at every advantageous point, and who administer to the natives such government as their principals indicate, and in so doing receive the assistance of the officials of the Greek Church, which holds strong sway over all of its members, of whom it is estimated there are 10,000 in the Territory, divided into eight "parishes," viz: Nushegak, (Bristol Bay), Oonalashka, St. Michael, Bybiloff, Ounga, Kadiak, Kenai, and Sitka.

The country which, fronting upon the Gulf of Alaska, separates these two extremes of the Territory, is mostly unexplored, but from what is known it is safe to consider it mountainous and sterile, except where rivers exist; and, except a few small villages on the coast, it is probably uninhabited.

A government which could extend its authority from either of these extremes, Kodiak or Sitka, would need to be of great magnitude, and its edicts would require a naval force to carry into effect. Should a system of government be inaugurated which would extend to the inhabitants of this Territory the right of suffrage, by establishing "voting precincts," it would be necessary that all elections should be held long in advance of those in the east, and preferably in the summer season, so that the government steamer, which would be compelled to visit the many islands to collect the votes, might do so in comparative safety, and in each of such precincts the vote would, in all probability, be such as Russia through the official of the Greek Church should direct, for very few of the "ten thousand" of our new citizens have any knowledge whatever of the laws or customs of their new country, and not one in a hundred speaks, not one in five hundred can read or write, our language.

My knowledge of these Western Alaskans is but limited, and I can give the foregoing but as an opinion.

I will speak more positively as to the peculiarities of those with whom I am familiar.

The native tribes with whom we came in contact, and over whom we exercised considerable influence, were the Sitkas, Stahkines, Kootznoos, Hoonahs, Chilkats, and Chilkoots, and, through our policemen, who were connected with them, the Auks and Yak-e-tats to some extent.

These tribes live in villages consisting of from ten to sixty well-built wooden houses, the timbers of which are from 10 to 20 inches thick, and hewed by axes. These villages are always situated on the coast, at the base of hills which shelter them, and generally upon level land produced by the morains of glaciers, through which streams of fresh snow water empty into the sea, and which in season are crowded with salmon, which constitute the principal portion of their food, they having, however, in addition, many resources, among which are halibut, herring, and herring-roe, and numberless other fish, venison, mountain sheep, seals, various oils, and a great variety of berries, also several species of edible fungi and sea weeds; and several of the tribes, notably the Kootznoos, Hoonahs, and Sitkas, cultivate potatoes, kale, and turnips.

OCCUPATIONS.

Early in spring a large portion of each tribe hunt the sea-otter and seal for six weeks, during which period the otters gather on the breed-

ing ground; then follows a season of halibut fishing and gathering of herring-roe. The former are very abundant and of most excellent quality, and the same may be said of cod-fish and herring. The roe of the latter is collected upon bushes which are planted at low-water mark, and which in one or two tides are encrusted.

The salmon season begins in June and extends until September. Five species visit the Alaska streams, all of which are most excellent except the garbosha or hump-back, which appears in September, at which time, however, the best of all, the Kisutch also begin to run, and are caught in the same net.

In fall there is another short season of sea-otter hunting, the pups having grown large enough to have commercial value.

After this season the men employ themselves securing their winter supply of fuel; and more or less of them start out on visiting and trading trips to other villages.

As traders these Indians are shrewd and quite reliable; and they understand well the value of monopoly, which they maintain by preventing the Sticks and other tribes who inhabit the interior from coming to the coast with their merchandise, and by so doing become posted as to the real value of the same, and as to the advantages from dealing with the white traders, without the interference of middle men.

The interior Indians bring to market a large proportion of the furs obtained from land animals and the horns and skins of mountain sheep; from the former the Coast Indians make spoons and other utensils and charms.

The Coast Indians procure the otter and seal skins, also considerable seal and whale oil, which is worth from 25 to 50 cents per gallon, and some walrus ivory and oil.

Numbers of the Indians are quite expert carpenters, and the logs of which their houses are built are hewn very smooth. They make excellent canoes, which they dig and burn out from spruce and yellow cedar trees. Some of these canoes will carry 50 people, and in them they make long voyages.

There are among them skillful wood and stone carvers, and silversmiths, who make very pretty bracelets, rings, and nose ornaments, which are worn by all of the women who can afford them.

When employed by the whites, if hoo-che-noo be kept away from them, they become very valuable laborers, boatmen, and packers, so much so that, lacking their cordial co-operation, Alaska's resources will remain undeveloped.

CLOTHING.

The natural Indian costume of a blanket is fast being supplanted by ordinary clothing of laboring whites, and they exchange their products for nearly any and every article usually found in a country village store.

CURRENCY.

The blanket, worth $3, is the unit of currency; and various furs, canoes, &c., up to slaves, are included at fixed prices in their reckonings. Owing to the danger from moths and thieves, stout china camphor chests are in demand among them, and a rich man will have several of them stowed full.

ARMS.

All have knives, which they use on slight provocation among themselves when drunk. They have very few fire-arms, and such as they have

are mostly old-fashioned flint-lock muskets, which are preferred to percussion-locks, inasmuch as flints are plentiful and caps scarce. Very few use the bow and arrow, or spear, except in securing seals, sea-otters, &c. With their muskets they generally use buckshot, very seldom balls.

ORIGIN.

All of the tribes mentioned except the Kootznoos seem to have sprung from a common origin; they speak the same language and have similar customs and superstitions, and from these the Kootznoos differ so slightly that a stranger cannot detect the difference. Their legend is that originally all lived in the Chilkat country; that there came great floods of ice and water, and the country grew too poor to support them, and that many emigrated south; that the Auks are outcasts from the Hoonah tribes, and the Kakes from the Sitkas, and both tribes deserve to be still so considered; that the Kootznoos came from over the sea, and the Hydahs, who live on Vancouver's Island, from the south. I have imbibed an impression, which, however, I could not obtain much evidence to support, that all of the tribes except the Hydahs are Oriental. In every respect they resemble the Ainos of Japan far more than they do our North American Indians—and that the Kootznoos are of Chinese origin; while the Hydahs, who are superior to all of the others in intelligence and skill in various handicrafts, are the descendants of the boat-loads whom Cortez drove out of Mexico, and who vanished to the north.

DOMESTIC RELATIONS.

There are exhibited in these, several points in which these Indians differ from those on our plains and resemble to considerable extent the Japanese peasants. Of these, a prominent one is the social position of the women, who, as wives, are in all respects of equal importance with the husbands, and are very faithful to their husbands—a failure in this respect being punished by death at the hands of the wronged husband—while, as single women, professional prostitution does not injure the standing. As with the middle class of Japan, polygamy is but little practiced, although it is not unlawful, and among the richer and older chiefs it is a quite common practice to take a second young wife, who generally accompanies her husband on his travels, the old wife remaining at home to care for the household. Heirship is determined by the degree of relationship through mothers, and a nephew, if the son of a sister of a chief, becomes his successor instead of his own son; a brother's son is not so treated.

In one case which came to my notice this custom produced a curious complication. The policeman "Dick," who was sent to Chilkat in the fall of 1879, was the son of a sister of Klotz-Kutch, the chief, and thus had claims to succeed him, which were contested by the son of Klotz-Kutch, who is a disorderly fellow, and through his mother related to the Chilkoots; and it was he who committed the murder which caused the Chilkhat and Chilkoot war. Klotz-Kutch favored "Dick's" claims, and when the latter returned to Sitka in spring he brought with him, as his wife, his own aunt, who had previously occupied that relationship to Klotz-Kutch, who had transferred her to "Dick," and thus strengthened his claim to the allegiance of the Chilkoots. Dick, with a Chilkat aunt and a Chilkoot aunt-wife, was thus placed ahead of the son, who possessed but one of these valuable relations, and that in a minor degree.

The women dress well and live in comparative idleness, the earnings of the men being freely bestowed upon them in the shape of fine blankets (profusely decorated with pearl shirt buttons) and jewelry of silver, of which they wear quantities. A well-dressed woman carries from three to seven (always an odd number) of silver bangles on each arm, which resemble those worn by young ladies in this city, a large nose ring, three or four pairs of ear-rings, and fingers and thumbs full of heavy rings. The men share with the women the duty of caring for the children, and it is a quite common sight to see a group, of which the women are stretched full length on their stomachs and elbows, chewing a native gum, and gossiping, while their babies are being carried and held by the men.

This pleasant condition of affairs ceases, however, when the effects of hoo-che-noo become manifest. Then the first object upon whom the drunken man fixes for outrage is the wife; it seems probable that little grudges which have been accumulating then influence him. These attacks, however, are not made with impunity. In every household there is among the culinary outfit a large, sharp knife used to open salmon, halibut, &c.; this is generally in the woman's possession. and, as she has generally drank her full share of the liquor, she does not hesitate to use it skillfully and savagely; and the medical officer of the Jamestown has been often called upon to repair very badly cut Siwashes; and a very large proportion of the Indian rows we have had to deal with have originated with drunken women.

SANITARY CONDITION.

As a class the Siwash is perhaps as filthy a member of the human race as exists. The uniformly cool, damp climate deters them from bathing, and they do not seem to have any liking for cleanliness in any form. Their persons, houses, villages, and clothing are always dirty, and their habits in many respects disgusting.

But this condition does not seem to be one which is without remedy. It is at its worst in Sitka, where, through contact with low whites, the Indians have imbibed, as do all wild tribes, all of the bad and but little of the good.

The northern tribes, who have as yet been but slightly in contact with the whites, are the superiors in these respects, and the Hoonah village is kept quite clean. Those of the Sitka Indians whom we employed soon developed a great fondness for dress, and became as tidy and neat as any of our crew; and an effort which we made to improve the sanitary condition by draining the village met with much favor.

A natural consequence of their mode of living is a great mortality. I am not able to give exact figures, but I think I am safe in saying that the death rate among the Sitka Indians during our stay was at least ten per cent., the causes of death being primarily *hoo-che-noo* and venereal troubles, inflammatory rheumatism, and pulmonary diseases, to which stabbing added quite a number.

Two deaths occurred by self-inflicted wounds, in pursuance of a custom which somewhat resembles the duello code of Japan. In that country a man challenges another and then kills himself, committing the hari-kari; his enemy is bound in honor to follow suit.

In Alaska an injured Indian shoots himself after publicly announcing the cause of the act, and the enemy is bound either to follow the example or pay the full value of the deceased to his family.

BURIAL CEREMONIES.

Cremation is the only method which gives to a dead Indian any chance for future happiness. A pile of wood is built back of the house, on which the corpse, which has been hoisted out of the house through a hole near the roof made for the purpose, is laid, covered with a blanket and a little of his finery or arms, and the pile is burned; during the cremation a chant is kept up by a hired band of masked men, who keep time by beating on a board with staffs. If a murderer has been killed by the friends of the victim, and the "families" of both are satisfied, the burning of the two bodies under one blanket settles the trouble.

RELIGION.

I could not find out much about this. They believe in a hereafter, and in quantities of spirits, good and evil; they do not take much pains to propitiate the good, but will go to any length to avoid coming in conflict with the latter. These spirits, the evil ones, enter into men and women, and, according to their natures, make them crazy, or witches, or sick.

The native doctors, or shamans, are supposed to know all of these spirits and to possess considerable control over them, which they exercise when paid so to do. There is nothing in their religion which is so well founded that the task of substituting a better one is hopeless. A convert to Christianity does not lose, but rather gains, respect among his people.

One of them, "Chilkoot Jack," had been accused by a miner of having stolen his watch. Investigation proved to me that the man had lost his watch while drunk, and the Indian had found it. While examining witnesses, another Indian testifying, said: "Chilkhoot Jack not steal, sir, nor lie; he's a convert." They appreciate the advantages of education and good conduct; and when the Indian school was established it furnished me with a powerful weapon. I had but to threaten a man or woman that his or her child should not be allowed to attend the school, to at once secure promises, generally kept, of amendment.

Since my return from Alaska, I have learned that a village is in course of construction at Portage Bay, where this summer the Chilkats and Chilkoots will live, to permit their children to be taught in the school established by the Northwest Trading Company at that place.

SYSTEM OF GOVERNMENT.

There is no one authority supreme over the various tribes. Each is independent of all others, with most of which it has ties through intermarriage. Each tribe is composed of several "families," a "family" embracing all who are related by blood, primarily through mothers.

Each "family" is ruled by a leader, who obtains the position either through descent, wealth, or force of character—frequently all, and most always the first two combined. A council of these leaders, presided over by the head of the most powerful family, governs the tribe and regulates its intercourse with others.

The authority of the chief is generally recognized by his "family," and that of the council by the entire tribe, but revolts and mutinies occur now and then, frequently produced by ambition on the part of young fellows to usurp authority. A fight is the natural result, as the revolt has probably been inaugurated at a pot-a-latch, when hoo-che-noo flows freely, and courage accumulated.

At a war pot-a-latch the women are present, and, by chanting improvised songs, stimulate the men to warlike deeds, and arms are distributed by the leaders, who have generally a reserve supply.

At a peace pot-a-latch presents of furs, blankets, &c., are distributed, the first evening by one of the parties to the other, which is reciprocated on the next evening. Always among these presents are blankets cut into strips, which are worn by the women. As drunkenness prevails at all of these feasts, it seldom happens that new troubles do not arise from them. The finishing of a house, the arrival of guests, a funeral, the departure of an expedition, are all occasions for friendly pot-a-latches. The reporting by a member of a family of injury or insult by those of another causes a war feast.

The chiefs, as a general thing, exert their influence to have injuries and threatened wars settled by payments, inasmuch as their share of such payments is a large one, pleasant to receive, and if it has to be paid the chief receives honor and respect in proportion to the amount he contributes, and generally recompenses himself by subsequent assessments upon the persons whose misconduct has created the trouble.

It was impossible to break up the system of pot-a-latches, for the decisions there arrived at were respected by all; therefore I endeavored to bend them to our needs, for I have been called upon on many occasions, and in a great many ways not described, to administer justice among them and exercise control. In so doing my work at first was to a certain extent experimental, and as I experimented I came in contact with more or less obstacles, due to their laws, customs, and superstitions, which caused their ideas of right to differ more or less widely from my own.

Such laws as they had I found were based upon their conceptions of justice, and as far as I could do so I made it a point to recognize those laws and strengthen their leaders in causing them to be obeyed. I thus received their alliance, and the task of governing many was reduced to that of advising a few chiefs who added their strength to ours.

Having but the Naval Regulations and the United States Statutes as my guides, I adapted the former to the situation as far as possible, and made each chief an executive officer, treating the mass as though they were the ship's company. These executives were the leading policemen and were furnished with efficient help by the subordinate policemen and the Jamestown's crew of Indians.

I have already stated that, throughout my stay at Sitka, I had never cause to doubt the propriety of my having appointed these policemen and employed the Indian crew. Daily contact with our officers, marines, and sailors, by all of whom they were well liked, did much to civilize quite a number of the Sitka Indians; and of these, some of the more influential were useful as leaven among the other tribes; all whom we employed becoming strong advocates for the white men.

Rules which were made for the government of the Indians were modified at once if found to be in any way defective. For instance: In my first essays at punishing offenders, I endeavored to make the Indians understand that such punishment as was administered was final and complete; that when the man came out of prison the affair was settled. I soon learned, however, that although the Indians apparently yielded to this rule, actually they did not, and that subsequently the offender was called upon to submit to Indian law and to make good any damage he had done. This was kept secret from me, but was revealed by a man through whom I was kept well posted as to all movements.

On the next occasion when punishment was necessary, I, without let-

ting them know that I was aware of their irregular proceedings, informed the assembled Indians that I had made up my mind that, in future, offenses should be first punished by me for the insult to the white government involved in the offense, and then they were at liberty to settle the difference between the two families at a *pow-wow*, the conclusions of which were to be reported to me, and, if approved by me, carried into effect.

This action was highly approved by all of the Indians, and from that date they did not hesitate to solicit our interference in settling their disputes, a custom which spread to considerable distance throughout the Archipelago.

Except for trifling offenses, involving but slight punishment, often a simple lecture, all accused Indians were given a fair trial in open court, which the friends received permission to attend, and where they were permitted to question witnesses and make defense, and no man was punished unless he was proved clearly guilty.

During the period of my command I had occasion to inflict about forty punishments on Indians. Of these, not one was for any offense committed against whites, and but few of the offenses punished were committed by sober men. Drunkenness was at the bottom of nearly all of the troubles, which consisted generally in fighting among themselves, in which fights knives were freely used.

The whole secret of our success with the Indians has been given in the last few lines. They received fair play, crimes were punished, good conduct rewarded, and they were taught—and some received the teaching—that the white government was theirs as well as ours and the man-of-war their friend, and not, as they had been led to believe, their enemy.

I am fully convinced, however, that I had a strong ally in their natural cowardice and fear of the white government. The system of retaliation, or "getting even," causes them to do most of their fighting at night, inasmuch as each individual who, even in battle, inflicts injury, will be held responsible for the same personally or through his family, by all of the family of the injured man.

This fear of future consequences deters them from open fighting, and reduces all their wars to secret assassinations, except when through liquor they become imprudent.

They have great fear of rifles in white hands, and upon one occasion I could not get an Indian in Sitka to make an attempt to recover a boat, stolen from the collector by deserters from the Jamestown, although a large reward was offered, because, as they said, "the white men have got a rifle with them."

Before they learned that we had not come to harm them, the approach of one of our steam launches to one of their villages caused an immediate evacuation, all of the inhabitants making for the woods, and had we been on a hostile errand, we would have encountered only empty houses.

I attribute this wholesome fear of the whites to the thorough punishment given by Lieutenant-Commander Meade to the Kake Indians in 1869, the story of which, greatly exaggerated, has spread throughout the country, and has produced most beneficial results.

All of the other tribes dislike the Kakes and admit the justice of the punishment, and are disposed to be very careful to never themselves incur similar treatment.

I believe that but for the sharp lesson then given them, the peace policy which we adopted would not have proved the success it did. Our omission to punish would have been attributed to weakness, and with

the best of them it is necessary that a sense of fear should cause respect, to be combined with other reasons for treating the whites as friends.

Having been well punished, they were for a long time sulky, but now advance half-way to meet the hand of reconciliation offered to them by a power they know and fear.

I found it advisable to avoid, as much as possible, coming in conflict with their superstitions. I will give an instance of a case where I was compelled to yield.

A crazy Indian committed several offenses in the white settlement, running about the streets naked, and entering houses. The policemen were appealed to by citizens, but refused to take any steps to check him, and complaint was made to me. I first ordered them to arrest the man and have him kept in the charge of his own family in the Indian ranch. This they declined to do, except upon certain conditions to which I could not accede. As this was the first and only case in which they failed to do their duty, I gave it a careful examination, and found that the refusal was caused by fear of becoming crazy themselves should they molest the insane man, unless they were permitted to treat him Indian fashion, which consisted in binding and torturing the man until he revealed the name of the animal which had entered into him. He was then to be kept bound until one of these animals could be killed and its tongue given him to eat, when he would recover his senses. While thus bound, and they hunting for the animal, no harm would come to them.

I believe had I pressed these men to obey my orders they would have refused, and one such refusal would have done great damage to our influence.

Finding that only the molesting parties would be subject to the evil influence, I took the risk myself, and caused the man to be secured by our guard. This was the only time that it was called upon to arrest an Indian.

There is another custom among them against which I could make no headway, and therefore did not try, viz: that of owning slaves, which is quite common. As the possession of these slaves gave much importance to the owners—an importance which it was thought best to foster—this problem was for civil law to solve.

In all of my interviews, the Indians expressed a desire for a government which would restrain bad whites from injuring them, and punish such as were guilty, which desire I always met by telling them that the reason there was no government was the small number of white people who lived in Alaska; and that the reasons why more whites did not come was because of the policy of the Indians in preventing white men from penetrating into the interior, and the reputation which the Indians had obtained of being enemies of the whites, and dangerous; that the first step toward securing the benefit of a government should be a complete change in these respects; and that, when assured of this, many whites would come and build saw-mills and salmon canneries, and start fisheries and mines, all of which would furnish employment to the Indians, and then, when the Washington Government became convinced that the country deserved it, laws and a government would be provided for it.

The Indians believed what I told them, and the hopes thus engendered have induced them to act as I advised.

The question as to the form of government which will prove best adapted to meet the requirements of the Territory of Alaska is one upon which I do not feel authorized to express an opinion; but my experience, gained by dealing with and controlling the Indian portion of the

inhabitants, justifies me in saying that, in any code of laws which may be devised, their manners, laws, superstitions, and rights of property should be taken into consideration. With these recognized as far as practicable, the Indians will prove of the greatest value in all attempts to develop the resources of the country. As lumbermen, wood-choppers, packers, fishermen, hunters, miners, and in various coarser trades, they are needed and will work willingly.

A failure to recognize their rights will cause a discontent which will seriously impede the adoption of the law. The villages have cost them a great deal of money; some of the houses at Sitka provide shelter for fifty or sixty persons, and have cost two or three thousand dollars—not altogether in labor and material, but through their custom of celebrating the completion of a house by a house-warming pat-a-latch, when the chief pays for the honor of having it considered to be his house by distributing valuable presents. Sitka Jack, it is reported, gave away five hundred blankets, worth $1,500, upon taking possession of his house, which was built by co-operation of all of the members of his family, all of whom retain the right to live in it.

Another point is the advisability that this government should recognize the power and influence which are held by the chiefs, and secure their faithful alliance and powerful influence by giving to them positions of trust and authority over their own people, and by paying to them fair wages for their services as "policemen," a position considered by them as one full of honor, and eagerly sought for by the greatest chiefs among them.

Such government should have power to advance the welfare and civilization of the Indians, by internal improvements which would give them employment, for which most all are anxious, and by fostering schools for their children.

And, first of all, it should have full power to suppress the traffic in molasses, and to punish on the spot, even to death, any offender, white or Indian, according to his or her deserts.

This civil government should have full power to protect the Indians from ill-treatment by lawless whites, and it will need the support of an armed steamer to protect innocent whites from attacks of Indians who have been injured by others of the white race.

An occasional visit by this steamer to every village in the Archipelago would be productive of much good, and if, as in the English service, her commanding officer could be authorized to act as a justice of the peace, the security and subsequent development of Alaska will be insured.

The present condition and needs of Alaska, as far as they are known, should not be the standard by which the plan of government should be measured, for as soon as the protection of law is extended over this country it will begin to grow, and a government of sufficient scope and power to meet its present needs would soon be outgrown and cramped, if, as I believe to be a certainty in the near future, the natural resources of the country draw to it a population.

The Aleutian Islands and that portion of the Territory west of Kodiak are now subjected to a government which meets with all of its requirements.

At every station of the Alaska Commercial Company, its agent, assisted by the leading official of the Greek Church, has full control, and self-interest alone induces a wise and paternal government.

Nearly all of the people derive their subsistence from this company, and become its pensioners when otherwise unprovided for.

If I may be permitted to use metaphor in an official document, I would

say that Southeast Alaska, where in the future our citizens will make their homes, stands in a position analogous to that of a homeless, neglected, hungry street child, possessed of qualities, still latent, which indicate a possible healthy growth and development, if suitable protection, shelter, nourishment, and training be given it.

If those who would adopt and foster that child should provide it with clothing, fitting closely its present emaciated frame, the time would soon come when, through the change in its condition, its growth would necessitate, first, a letting out, and then new garments. It would not, however, be advisable to provide at the outset a suit which would fit a full-grown man.

A simple but strong government, with power of life and death on the spot, would soon pay for itself. Such a government would need, during its earlier period, the support of an armed steamer, and the time of those serving on this steamer could be most profitably employed in surveying the many inlets, straits, and harbors of this slightly-known region.

Through the hydrographic work performed by Commander Meade and officers of the Saginaw and of the Jamestown, by aid of the steam launches and the hired steamer Favorite, the charts of the Archipelago, which ceased to be accurate at the boundary line between the United States and British Columbia, have been so completely remodeled that one laid aside as unreliable has again been issued, and is now the most correct chart of the region.

The work performed by the Jamestown is shown by the hydrographic notices and charts which accompany this report.

The time is coming, and perhaps is not far distant, when Alaska will be needed.

From a military point of view, her grand total of sheltered bays and harbors would prove as valuable to an enemy in event of war with a maritime power as they would be detrimental to the interests of our Pacific coast.

With the mills at Seattle, Gamble, and other places on Puget Sound, consuming the adjacent forests at the rate of hundreds of thousands of feet per day, and perhaps as many falling to the forest fires which spring from the woodmen's pipes and camp-fires, and every summer cover the surface of the sound with so dense a smoke that navigation becomes hazardous, the time is coming when the increased distance from the coast will so advance the cost that a search elsewhere will be made, and the great forests of Alaska will supply the demand.

Canneries and fisheries and oil refineries will follow up the saw-mills, and utilize the untold wealth now lying dormant.

And a country where, in every direction, auriferous and silver-bearing ores are found on the surface, and which is known to be rich in other minerals, mining enterprises will spring up, and employment will be given to the thousands who will seek the land.

But capital will not come where there is no law to protect it—where the punishment of arson or for breach of contract is but public opinion or lynch law. And until capital can come and be safe, Alaska must wait.

RESOURCES OF THE COUNTRY.

I would respectfully submit a few facts in regard to the resources of Alaska, many of which are obtained by my own observation, and others from sources in which I have confidence.

The works of Dall, Whymper, Petroff, and of the Coast Survey supply vastly more important details, and I shall but attempt to confirm their

assertions. As far as they have as yet been developed, the resources take precedence in value as follows: Furs, fish, timber, minerals. A number of companies, mostly of San Francisco merchants, have been organized, and are now engaged in developing these resources. Among these companies, those of the greatest importance are:

DEALERS IN FUR AND GENERAL MERCHANDISE.

The Alaska Commercial Company, president Gen. John F. Miller; the Western Fur Company, incorporated in 1879, with capital of $500,000; the Northwest Trading Company, of Portland, Oreg., president Paul Schulze, incorporated in 1879, capital, $50,000.

DEALERS IN FISH, &C.

Pacific Fish Company, incorporated 1879; the Northwest Packing and Trading Company, incorporated in 1878; cannery at Klawok, Messrs. Cutting & Co.; salmon cannery at Sitka.

MINING COMPANIES.

The Alaska Gold and Silver Mining Company, of Portland, Oreg., capital $300,000, and several others, of which I am not sure that the stock represents capital.

FURS.

Up to the present date the most valuable resource of Alaska has been the fur-bearing animals which abound in its woods and waters.

The forests furnish a great variety of valuable skins, and from the waters alone the interest at 4 per cent. on the purchase money has been returned to the government by a single company, derived from a single animal, the

FUR SEAL.

This animal is gregarious, and strongly addicted to remaining as long as possible in a favored locality; there are several of these localities of slight, one of great importance.

On the shores of Saint Paul and Saint George, the two principal islands of the Pribyloff Group, which, lying in latitude 56° north and longitude 170° west, off the southern mouth of Behring Strait, are below the line of floating ice of the sea; these animals resort for breeding purposes in such immense herds that the land becomes invisible. They are so inert and stupid that were they not protected in some thorough manner a very short period would be required to exterminate them, for a schooner's crew, composed of the very inefficient sailors who generally predominate on board of a whaler, could land and with clubs quickly kill a schooner load and frighten away a hundred times as many.

Fortunately for the seals, and for the government which now derives a handsome revenue from them, these islands are controlled by business men and the killing done upon business principles.

The Alaska Commercial Company hold the lease of these islands for twenty years from May 1, 1870. They kill 100,000 yearly, and pay to the government a royalty of $2 on each skin, which, with other payments by them, amounts to nearly $300,000 yearly. The agents of the company have adopted such systems of slaughter that the herd does not become alarmed, and in selecting as they do the young bulls the effect of this rate of killing is not detrimental, and the chances are that at the termination of their lease there will be as many as when they began.

It is estimated that in addition to the seals killed on the Pribyloffs about 10,000 are obtained yearly from other localities. As these skins are

worth from $5 to $15 each before dressing, it is probable that at least $1,000,000 worth are obtained yearly.

SEA OTTERS.

Unlike the fur seal these animals are not gregarious, and although they have favorite breeding grounds, these, like the otters themselves, are distributed over a vast area, so that "herds" of sea otter are not found, and the pursuit of them becomes a matter of difficult hunting.

The otters are found in all parts of Behring Sea, from our own coast to Asia, throughout the Gulf of Alaska, and as far south as the western shores of Vancouver's Island, where are profitable hunting grounds. They are very shy and are generally seen in pairs, and while approaching certain rocky islets, generally in the vicinity of bays, into which fresh-water rivers empty and entice the salmon, upon which they feed.

Familiar with these favorite spots, companies of canoes assemble in their vicinity and stretch out a long distance seaward on the lookout for otters, each canoe carrying ten men, two in the bow armed, formerly with spears, lately, very frequently with muskets. A pair of otters making their way in from sea are discovered, surrounded, and chased till killed; the first dive of the hunted animal will last perhaps half an hour, if badly frightened, and during this time it has by instinct struck out to sea. If, however, when it comes up, the canoes are outside of it, its fate is sealed, for its power to remain under has been exhausted, differing in this from the seal. Sometimes it is clubbed to death, at others speared or shot; care being taken to avoid hitting anything but the head.

The Indians have a code of laws by which the ownership of the skin of an animal captured by the united efforts of many can be decided.

The wide distribution of the animal and hunting-grounds makes it very difficult to obtain any very exact data as to the number of these animals killed yearly, and this difficulty is increased by the fact that the Indians lie about their luck. If they have got a g od place, they keep others from coming to hunt on it by giving it a bad name, and send inquirers to unprofitable grounds by exaggerated stories. I found out from a person who had the confidence of the chief of the Hoonahs, Kah-hoo-dosak, that his tribe killed 127 during the spring of 1880. And they had yet the prospect of the fall hunting, which it was hoped and expected would bring it up to 200. As these skins are worth from $50 to $200 each, say $75, the six or eight hundred people who constitute the Hoonah tribe are kept very comfortable from this resource alone, and are certainly not blamable; if other resources failing, they go to war with the English Indians, who molest them by shooting their otters, a practice which produces great damage, in addition to that of killing more or less otters, as the shy animals soon leave a ground where they discover that they are molested, and the report of the fire-arms frightens them. This peculiarity has caused certain places, once favorite resorts, to become comparatively deserted; for instance, on our westernmost island, Atton, only seven otters were killed by its natives, who, thus deprived of almost their only source of revenue, would be reduced to starvation but for the benevolence of the Alaska Commercial Company, which allows to each family what may be considered in the light of a pension, unless through a revival of the resources the natives become enabled to pay off the debts they are steadily increasing.

The skin of a sea otter is from 4 to 6 feet long, the fur long and dark, with many white hairs, and it is, except the royal ermine and the best

of Russian sable, the most valuable of all furs, the silver fox coming next in Alaska furs.

Although the otter does not enjoy the protection afforded to the fur seal by the wise laws, based upon business principles, by prudent business men, it is to a certain extent protected by its own wariness, and was by the United States laws, which made it unlawful for any but natives of Alaska, afforded still more, but in 1878 the honorable Secretary of the Treasury decided that white men, lawfully married to native women and intending to remain in the Territory, should enjoy also these privileges. The consequence of this decision has been a great increase in the number of marriages, little if any change in the domestic relations or numbers of half-breed children, and a great slaughter of otters which white men, who have gone through the wedding ceremony, hunt with rifles to such extent that their early extermination is probable, and I received information that parties of white men in San Francisco had fitted out vessels, and pretending to confine their hunting to a distance of over three miles from the shore, had in reality killed the otters wherever found.

Although it is made the duty of "the officers of the United States, who may be in that locality (that of well-known otter-hunting grounds), to take all proper measures to enforce all the pains and penalties of the law against persons found guilty of a violation thereof," it was not in my power to take any steps to prevent these practices until the opportunity of hiring the steamer Favorite for the purpose presented itself, which was taken advantage of by the special agent of the Treasury Department, Major Morris, and myself, as detailed in this report, upon the occasion of English Indians fitted out by English white men trespassing upon Alaska grounds.

Estimates as to the number of sea otters killed annually and their value differ greatly.

I have obtained from "reliable parties" all the way from 1,000 skins, worth at least $50,000, to 5,000, at an average of $70 each, or $350,000. When fur dealers thus differ it is hard for an outsider to form a correct judgment, but from my knowledge as to the production of the Alexander Archipelago, I should be inclined to accept the smaller estimate as nearest to the truth. Mr. Ivan Petroff places the annual value at $120,000.

OTHER FURS.

The following list embraces the names of the other fur-bearing animals and the value of their pelts, as quoted in the San Francisco markets:

	Value.
Silver fox	$15 00 to $60 00
Cross fox	1 00 to 5 00
Red fox	1 00 to 5 00
Marten fox (called Alaska sable)	2 00 to 10 00
Mink fox	25 to 1 00
Land otter fox	2 00 to 5 00
Beaver fox	2 00 to 4 00
Fishers	2 00 to 6 00
Wolf	1 00 to 3 00
Lynx	2 00 to 4 00
Black bear	3 00 to 10 00
Brown bear	1 00 to 6 00
Cinnamon bear	3 00 to 10 00

The annual value of the above furs produced is placed by Mr. Petroff at $100,000.

FISH.

The waters of Alaska, both fresh and salt, teem with fish valuable as food, oil producers, and fertilizers.

The fresh-water streams are, from June until September, crowded with salmon of excellent quality, and trout; of the former, five, and of the latter as many, species. Salmon, too, throng the bays and inlets, and on every bank in Behring Sea, the Gulf of Alaska, and throughout the inland waters codfish or halibut, according to the nature of the bottom, are abundant, and in their seasons immense schools of herring, smelt, capelin, lancefish, and dogfish, visit the bays.

Of shell-fish, there are clams, cockles, mussels, abelones, and pectens. Good and abundant edible crabs, too, are plentiful.

Whales of several species are abundant in Chatham Straits and Cross Sound, and I have seen twenty in a day.

CODFISH.

In commercial value, this fish at present takes precedence. Three companies, giving employment to about twenty vessels, control the bulk of this trade; these are the Pacific Fish Company (Thomas W. McCollum & Co.), Messrs. Lynde and Hough, and N. Bichard & Co., all of San Francisco.

The principal fishing grounds are off the Fox and Shumagin Islands (near the southern extreme of Alaska peninsula). In this vicinity there are a number of productive banks, with depth of water varying from 30 to 60 fathoms. And there is a bank in the eastern part of Behring Sea, which has an area of over 18,000 square miles, on which 50 fathoms is the deepest water that has been found, and on every portion of which codfish are abundant. The cod is found as far north as latitude 58° to 59°, which is about the southern limit of the floating ice in Behring Sea, and as far south as the straits of Fuca, in latitude 48° 20′ north, and they are abundant in the Okhotsk Sea, and on several banks in the Alexander Archipelago, which as yet have been but slightly developed.

STATISTICS.

The first vessel which visited the western banks exclusively for cod fishing left San Francisco in 1864, and her trip was made to the coast of Kamtschatka and the Saghalien banks. Her voyage occupied over five months, and her catch was 120 tons. In 1865, three vessels visited the same locality, and brought home 523 tons. In 1866 and 1867, the Shumagin banks were first fished, and the entire fleet the first year consisted of 18 vessels, and the second 23; the catch in 1866 was 1,614 tons, and in 1867, 2,164 tons. Making a total of 4,421 tons taken in five years by an average of 11 vessels, or about 400 tons per vessel.

No record was kept of the catch of 1868. In 1869, it is reported as 1,934 tons, value $200,000. And during 1878 and 1879, the catch is reported as about 2,000 tons yearly.

I have no data as to the intervening years, but assuming, as I believe I may do, with slight chance of error, that the amount and value of catch in the three years given, 1869, 1878, and 1879, represent fair averages, there has been brought from these banks, fish representing a value of $2,200,000. In addition to the banks named, cod have been caught at Nootka, Sitka, Lituya Bay, Yak-etat Bay, Cook's Inlet, and throughout the Aleutian Islands.

It is believed that two varieties of this fish are obtained, those from the Shumagin banks being superior to those of the Labrador and Kamtschatka banks, which is important, inasmuch as the round trip to and from the Shumagins is but comparatively a short one.

In 1879 the schooner Alfred Adams made three round trips from San Francisco in 43, 45, and 40 days, bringing on each occasion 50,000 pounds of fish. Such work as this is, however, exceptional. Bait is abundant and easily obtainable near the Shumagins; shell-fish, such as clams, cockles, and mussels are abundant and good, and in Southeast Alaska salmon is still more so; and during the spring and early summer herring are.

SALMON.

The resources of Alaska in this article are comparatively inexhaustible. Every stream, from the great Yukan, emptying into the southern part of Norton Sound and navigable for a thousand miles from its mouth, to little brooks flowing from melting glaciers and snow banks, is in its season crowded with salmon, ascending for purposes of reproduction; and during these seasons the adjacent bays and sea are alive with the salmon, whose presence is made manifest by the leaping in their pursuit of immense herds of porpoises.

Were it not for the provision of nature, which causes death to occur soon after spawning to a very large proportion, the seas in this vicinity might become unnavigable. I have experienced great difficulty in wading certain small streams, through the quantity of salmon which it was necessary for me press my way through. And in some of these streams, had the water been suddenly withdrawn and the fish left dead, I could have walked three or four miles without touching my feet to anything but salmon, and I could not have avoided such touching in walking two yards. The banks of these streams, and the adjacent moraines through which they flow, are literally covered with the remains of those that have died.

The salmon of Alaska have not been scientificaliy classified, but from my own observation, and information obtained from the superintendent of the salmon cannery at Old Sitka, and from Russian fishermen, I believe that there are at least five distinct varieties making their appearance at different periods. Early in June a very fine salmon, the quinnat, called by the Russians chowchou, begins to run, the kikoff succeeds, and is followed in July by the crassena rebia (red-fleshed), and in August the garbosha (humpbacked) begins to run, and lasts about five weeks, during which time the kischutch, or black-mouthed, have their season.

The garbosha is a coarse fish, and unfit for canning, but it is the favorite of the Indians, who lay up great quantities of it for winter's use. The kischutch is considered the best table fish, and is held at a much higher price. An ordinary 10 or 15-pound salmon is in Sitka worth about as many cents; a kischutch of 10 pounds cannot be bought for less than two bits (25 cents).

STATISTICS.

There are two establishments in Southeastern Alaska where salmon are canned; one about 9 miles west from Sitka in Hunter's Bay, or Old Sitka, owned by the Messrs. Cutting & Co., of San Francisco, and one at Klowock, or Prince of Wales, owned by Messrs. Sisson, Wallace & Co. Both of these establishments depend to a great extent upon Indian labor, each employing, however, a few white men. The Indians have

proved intelligent and expert, in all of the various processes from the catching of the fish to the making cans and canning; they are paid $1 each per day, and were it not for their being addicted to hoo-che-noo, would give entire satisfaction

One Indian, whom I knew, bought from the Sitka cannery a net and outfit for $200, for which he was given credit, and, during the summer of 1879, with five employés of his family, he paid for the outfit and obtained a credit of $400 for fish delivered.

Two of Messrs. Cutting's boats, manned by two whites and ten Indians, whose combined wages amounted to $16 per day, caught and delivered thirteen tons of marketable salmon, and they probably gave away to the old men and women, who in their canoes follow the fishermen, fully a ton of fish which were unsuitable, or, as expressed, "had begun to dog."

Although it has been decided by experts that the "dog-salmon" is a separate and distinct species, the fishermen at Sitka use that term to describe the condition of any or all of the species which have begun to suffer the deteriorating change due to (in their belief) contact with fresh water. Such fish are not canned, and the trained eye of an expert selects unerringly from the struggling mass such as present indications not perceptible to a non-expert.

If the opinion of these fishermen is correct, it would seem to follow that the salmon of Alaska, caught in the salt water of the ocean, are superior to those obtained at the fisheries on the Columbia and other rivers where they are taken in brackish water. There are several establishments in the western part of Alaska where salmon are put up in barrels. The Alaska Commercial Company, the Western Fur Company, and the American Russian Company put up large quantities at Kadish and Cook's Inlet, and private individuals also participate in this business.

In February, 1879, a Mr. Hirsch, of San Francisco, chartered a schooner and proceeded on a salmon-fishing trip to Kadiak. He returned in August with 300 barrels, caught by his crew aided by natives.

The pack of the two canneries in Southeast Alaska were, for 1878, 8,500 cases; for 1879, 12,000 cases; the amount packed in British Columbia, Oregon, and all sources, being, in 1878, 629,000 cases; 1879, 527,000 cases, of which the export was, in—

	1878.	1879.
	Cases.	*Cases.*
Atlantic States	87,000	141,300
Europe	455,000	320,000
Australia	49,000	14,690
China and elsewhere	5,240	3,760
	596,240	479,810

The falling off being due to a partial failure of the season of 1879 in Puget Sound, British Columbia, &c. The amount packed at Muskeeto (the principal station in Puget Sound) being 25,000 cases, as against 105,000 cases in 1878, and at Frazer River 1,300 cases, as against 7,000 cases in 1878.

The cannery of Messrs. Cutting & Co., at Old Sitka, was not operated in the summer of 1880, the reasons assigned being the difficulty experienced in getting the new article, Alaska salmon, into the market some weeks after the canneries further south, whose products had established a reputation, had fairly supplied the demand; and secondly to the high price of tin and freight to Sitka.

It was hoped that the action of Congress in regard to a bill then pending, which would allow a drawback on tin, would be such as to reduce its price. A bill to this effect was passed in March, 1880, and the result will be undoubtedly beneficial.

It is possible that the entire export of salmon from Alaska does not now exceed in value $50,000 yearly, but there is no reason why, if a market can be found for this fish the business should not be increased many fold. The supply is inexhaustible.

HALIBUT.

But little endeavor to develop the halibut fisheries of Alaska has been made, but from my own personal observation I am convinced that in certain parts of Alaska these fish are so very abundant, and of such excellent quality, that in time they will rate high among the resources of the country.

In the neighborhood of Sitka they can be caught in from 5 to 20 fathoms water, weighing from 40 to 500 pounds, and they form an important portion of the food of the Indians, who smoke and dry the flesh. The Indians sold them to us at about half a cent a pound, and the sailors found no difficulty in catching large numbers. I learned of but one attempt to make them an article of commerce. In July, 1880, the schooner General Miller, of San Francisco, fishing with trawl lines, and using salmon for bait, and in the vicinity of Sitka and Biorka Island, filled up in about six weeks.

The halibut and cod fisheries of Alaska are much easier of access and more free from danger than those on our eastern coast, and the labor and expense involved are much less.

Nearly all of the fishing banks are near to safe harbors, where the schooners can lie and send out the dories, but a short distance to the grounds. And generally the time from Saturday night until Monday morning is spent in comparative comfort and rest.

During 1879 there did not occur a loss of a life at any of the Alaska fisheries. During the same year thirteen vessels of the Gloucester fleet were lost, and with them 143 lives.

TIMBER.

The information I have obtained by personal observation as to the timber resources of Alaska is but slight, my duties having confined me to the vicinity of Sitka, and to short cruises among the islands of the Alexander Archipelago. I have, however, seen sufficient to authorize my acceptance of the accounts given by others, from which I shall make extracts.

From my own knowledge I am able to say that the shores of both sides of the strait, running almost continuously from Chilkhat, in latitude north to Cape Fox, the southern extreme of the coast line, called Lynn Canal, Chatham Strait, &c., the shores on each side of Peril Straits and Cross Sound, of the large islands Prince of Wales, Kon, Baranoff, Chicagoff, Kruzoff, and the entire surface of smaller islands, are covered with a dense growth, consisting principally of spruce, hemlock, and yellow cedar.

Parties from the Jamestown have penetrated the islands of Baranoff, Kruzoff, and Chicagoff several miles by following up river beds in ravines, and have not come to the end of dense forests, principally of the

spruce and hemlock, with more or less of the yellow cedar, which is not as plentiful as the others. Many logs of spruce and hemlock, containing from 3,000 to 4,000 feet of lumber, were cut by the miners during the winter of 1879–'80, and delivered at Sitka for about $20 each, they having been procured within a few miles. This growth of timber covers the sides of the mountains to a height of about 4,000 feet in the vicinity of Sitka, which height diminishes as we go to the northward, or far enough into the interior to lose somewhat the effect of the warm vapors from the Kurosiwo.

After passing the latitude of the eastern entrance of Cross Sound' 57° 50′, the timber line becomes reduced to less than 1,500 feet of altitude, the low temperature produced by the many glaciers affecting the growth, which is also diminished by the smaller amount of evaporation and precipitation, the surface of the sea being covered in summer with a layer of pea-green, fresh, and brackish water, the former coming from the glaciers in many little rivers, and the latter by its admixture with the salt water; and at the head of Lynn Canal, at the Syyä Inlet, I judged its height to be about 1,000 feet; this in latitude 59° 15′ N.; and in this locality, although the growth of the trees was not so great as further south, I saw many from the water, and so close to it that gravity and proximity would eliminate the necessity of manual labor to launch them, which were over three feet in diameter; also quantities of birch and alders of small size.

Spruce ranks first as to abundance, yellow cedar first as to value of timber; hemlock is in quantity between the two, and in value third; a position however, which will be reversed if tanneries ever are erected in Alaska, and "bark" becomes a demand.

SPRUCE. (*Abies menzesu.*)

This tree is known locally as Sitka pine, and resembles very much the spruce or fir obtained in Puget Sound and called the "Oregon pine."

Along the coast and edges of waterways it grows to a height of from 100 to nearly 200 feet, and it excites sensations of wonder to see these immense trees, from 4 to 6 feet in diameter, growing upright on sides of mountains so precipitous that it would hardly seem possible for a sapling to find support. Back from the coast line, where the forests are dense and the sunlight seldom penetrates, the trees are smaller and grow close together in abundance. The dimensions I have given are extreme. I would estimate the average dimensions of these trees at about 100 feet height and less than 3 in diameter.

The wood resembles white pine, and is strong, tough, and durable, and would undoubtedly prove fully as valuable for ship-building as the "Oregon pine." The Indians use this timber to build their houses, and, it being very straight-grained, they are able to hew it with axes into timbers, thick boards, stakes, and shingles. It is excellent fuel; the steamer Favorite uses it in preference to coal, and throughout Sitka it takes the place of the latter in all houses heated by Russian stoves; the Indians cut and deliver it for from $2 to $4, in trade, per cord, or about half those prices in cash. The trunks are too thick in proportion to their length, and the taper is very gradual.

Felled trees, which were measured by parties of the Coast Survey were 180 feet in length and 4 feet at butt; others still standing butted 6 feet, and were tall in proportion, and bare of branches for 50 feet from the ground.

HEMLOCK SPRUCE (*Abies Mertensiana.*)

This tree is very abundant, but it is not very valuable; it grows to a height of 80 to 100 feet, and is frequently branched nearly to the ground; the trunk is slender, seldom above 2 feet in diameter, and very knotty, which prevents its being adapted for spars. Specimens which came from Kadiak gave, however, better results than those above given. Some of these seen by the Coast Survey party in 1867, in the governor's yard at Sitka, in the shape of masts and spars, were of much greater dimensions, and with taper less abrupt.

YELLOW CEDAR (*Cypressus Nutkatensis.*)

This, which is probably the most valuable of the timbers of Alaska, and a tree which is not found elsewhere, does not exist in any great quantities in the vicinity of Sitka. Much of the information which I have obtained in regard to it was derived from Prof. John Muir, who, having made a number of extensive trips throughout Alaska, has not failed to utilize his botanical knowledge; and having been in his company considerably I have obtained advantage from it. A letter from him will lose much of its value, if not given, as I shall give it, nearly entire.

[Letter of Prof. Muir.]

The most important of Alaska trees measured by the value of its timber is the yellow cedar or cypress (*Cypressus Nutkatensis*), a truly noble tree, attaining a height of 150 feet, and a diameter of from 3 to 5 feet. * * * The wood of this tree is undoubtedly the best the country affords, and one of the most valuable to be found on the Pacific coast; it is pale yellow, close grained, tough, durable, and takes a good polish, and has a pleasant fragrance, like that of sandal wood. * * * The only California wood which resembles it is the torrega, but of this the trees are small and scattered in the cañons.

Three or four ships have been built of yellow cedar, and small quantities, a few thousand feet at a time, have been sent to Portland and San Francisco, from Sitka, Wrangell, &c., probably less than a million feet in all. Some little goes to China and is made into fancy boxes. It is said to be returned to us as camphor wood. It deserves to be far better known not only to ship builders, but to carpenters and furniture makers. The Indians make their paddles of it, and weave matting and coarse cloth from the inner bark, which is quite durable. * * *

The durability of this timber is forcibly illustrated by the fallen trunks lying in the damp woods. Many of the largest of these last for centuries, retaining the delicate color and fragrance unimpaired. Soon after falling they become overgrown with moss, in which seeds lodge and germinate and grow up into vigorous saplings, and as these grow larger they stand astride the parent trunk, their roots stretching to the ground on either side, and when these have reached the age of several hundred years the down-trodden trunk, when cut into, will be found as fresh at the heart as when it fell. The species is found as far south as Vancouver's Island, and is pretty generally distributed as far north as Sitka—how much further I am unable to say. But though its range is thus extensive, it does not seem to be very abundant at any one place.

I can add to the foregoing that I have seen this tree growing in patches, surrounded and generally fronted by the spruce and hemlocks, as far north as latitude 58° 45′, on the shore near William Henry Bay (Sitka is in 57° 02′ N.), and I think that I saw it on the southern shore of Cross Sound. The reputation of the wood of the yellow cedar as to durability is well deserved.

In 1867 the Coast Survey party "obtained and forwarded a piece of the keelson and frame of one of the Russian American Company's small vessels, which was constructed of this wood thirty-two years ago, and which had been lying a wreck upon the beach for several years."

In 1879 I was shown another piece from probably the vessel referred

to, which had been exposed nearly ten years longer. The description of the condition of the first piece will fit that of the second:

> It exhibits not the least sign of decay or teredo attacks; the wood around the copper and iron bolts is nearly as well preserved as on the day they were driven.

And in the vicinity, the spruce crib-work, forming the foundation of this wharf at Sitka, was honeycombed by the teredos.

There is no doubt but that the wood will prove of great value for shipbuilding.

Although the foundations of nearly every Russian-built house in Sitka are badly decayed, wherever a yellow cedar log has been used it remains sound. The Indians destroy great quantities of this tree in procuring the bark, of which, in addition to the manufacture of cloth and mats, they make from the outer bark roof and canoe covers.

RED CEDAR (*Thuja gigantea*).

This tree, which is an arbor vitæ, is not as abundant as either of the three mentioned, but it is very generally distributed. It is used for the manufacture of canoes, and from it the largest and best are constructed, some over 60 feet in length and 8 feet in beam.

The spruce and yellow cedar are also used for this purpose, but are not considered so valuable as this tree, the wood of which is soft and easily worked.

OTHER TIMBER.

Professors Muir, Dall, and others describe several other species as existing in the interior. Muir says:

PINES.

Of pines I have seen but one species (*P. contorta*), a few trees of which, 50 or 60 feet high, may occasionally be found about the open edges of lakes and bogs. In the interior, beyond the mountains, it forms extensive forests.

FIRS.

A fir like *Picea grandis* is common on the mountains of the mainland. It is usually quite small, and seldom found to exceed a height of 60 or 70 feet, and the timber is of inferior quality.

SPRUCE.

And up on the cold cañon sides, upon the banks of the glaciers, there is a very handsome little spruce, like the Williamsons of the upper forests of the Sierras.

According to Dall and Kellogg there grows in the vast region drained by the Yukon the white spruce (*Abies alba*). Muir states that he saw this tree on the arctic divide, near the headwaters of the Yukon, and thus describes it:

> The tallest are about 125 feet high; it is an exceedingly slender tree, erect, and closely clad with short leafy sprays, forming the sharpest and most arrow-like spires I ever saw in any forests. Some of this inland timber may some time be made available for spars, by floating it down to tide water.

HARD WOOD.

I could obtain no information as to the existence anywhere in Alaska of hard wood of any value. I have seen small birches, alders, and crab-apple trees, and the two former as far north as the Chilkhoot Inlet, near its head, in latitude about 60°.

AGRICULTURAL RESOURCES.

These—as it is but natural to expect in a mountainous country, of which the southern point is in nearly 50° north latitude, and of which the greater portion is north of 60°, and fully two-thirds in the frigid zone, its northern point being the northernmost of the United States—are extremely limited, but they are not, as has been persistently stated by "authorities on Alaska," "uull and void."

The warm vapor which constantly rises from the Kuro Siwo, a great river of warm water which washes its southern coast, does not exhaust itsefforts in the production of the great forests which have been described. Its moisture and its warmth combined give to the thin soil wonderful powers of producing such vegetables and plants as need these two conditions. My personal observation is limited to the Alexander Archipelago, but it enables me to give the most unqualified contradiction to many statements which have been made in official reports, and articles in magazines and newspapers.

Farming, as a business, will not pay in Alaska, but any man living almost anywhere in Southeast Alaska can by an intelligent use of two hours a day secure for himself and family a bountiful supply of most excellent vegetables. I know numbers who have done this, and, except that my labor was by proxy, have done it myself.

The Aleutian Islands are devoid of timber and sterile, but Kadiak is a fertile island, where vegetables, hay, and cattle can be raised, and are raised annually.

On the mainland adjacent to the Archipelago, and on the islands, wherever the sun's rays can get through the thick foliage the ground responds, and, drying quickly after every shower, becomes clothed with verdure.

Along all of the river courses the banks are covered with wild flowers and berries; and upon the alluvial flats, which have been deposited by the action of advancing and left by receding glaciers, which are termed "moraines," timothy, wild barley, red and white clover, and great varieties of berries and wild flowers grow in profusion.

In latitude 69° north I have walked for miles on a meadow where the timothy and barley reached above my head, and so plentiful that my progress was impeded by them. The forests are full of deer, which obtain good pasturage the year through; and there are innumerable flocks of ptarmigan on the mountains, and grouse in the lower lands, who find abundance of food from the berries, of which there are blueberries, cranberries, blackberries, salmonberries, and several varieties peculiar to the country.

Near several villages of the native, notably those of the Kootznahoos and Hoonahs, are plots of ground under cultivation, which yield fair crops of potatoes and turnips, although the methods of cultivation pursued are so primitive that good results could not be expected. For instance, potatoes are sowed whole and broadcast, and no labor expended in cultivation until, when dug in September, they are found to merit the description of Elliott and others as "small watery walnuts."

Even during the period of occupation by our troops gardening was discouraging work, and I have been informed by officers who were stationed at Sitka that their efforts were rewarded by worthless potatoes, lettuce, and cabbage which would not head, and watery beets, turnips, and radishes.

But this state of affairs does not now exist, whether it be due to change of climate, through the clearing away of many acres of forest

land, or to improved methods, I cannot say; but for several years past excellent vegetables, such as potatoes, cabbages, &c., have been raised yearly in the vicinity of Sitka and Wrangell.

Undoubtedly there is less rainfall than formerly existed—that is, if the data previously accumulated is correct.

Lütke records in two years an average of 117 days of continuous rain or snow each year. Our observations, taken hourly, give but 24 such days in eighteen months.

In the neighborhood of Sitka there are a large number of plots under cultivation. I have myself seen, two seasons in succession, growing in the gardens of Messrs. Schmeiz, Faley, Travis, Millelich, Collector Ball, and my own, lettuce of several varieties one heading like a small cabbage; cabbages a yard across before they began to head, and 8 to 10 inches in diameter headed; cauliflowers weighing from 10 to 15 pounds; early rose and peachblow potatoes, ranging from 3 to 30 ounces each, and each hill yielding over half a bucket full; turnips of very large size, and cress, radishes, &c., in profusion; green pease of excellent quality; and beds bordered by gooseberries and currant bushes, producing loads of fruit.

My lettuce-bed kept me supplied from June to September, and my table was always well supplied with most excellent home-raised vegetables.

Within a distance of 20 miles from Sitka there are three or four thousand acres of fair agricultural land, if properly drained.

On the island of Biorka, 10 miles to the south, there is a farm owned and managed by Indians, and devoted principally to potatoes, cress, turnips, and cabbage; this farm covers at least 40 acres, and on Japonsky and several of the larger islands in Sitka Sound and Bay are flourishing gardens.

The season of sunshine is too short for success with cereals; but judging by the luxuriant growth of the self-sown wild barley on the moraines it seems likely that some of the hardier kinds could be advantageously introduced. Celery, green pease, and string beans have been raised, but not with encouraging success.

The Katliansky plains, near Sitka, which twelve years ago were broken up and sowed with timothy by a pioneer named Doyle, are each year covered with a heavy crop of grass, from which thirty to a hundred tons per season have been cut.

Every creole house has a garden, and in it roses, pansies, and all of the hardy annuals are cultivated successfully.

On the whole, whatever they may have been, the agricultural resources are not now *nil*.

MINERALS.

The mineralogical resources of Alaska have as yet to be determined and developed. There are in regard to their value widely differing opinions entertained, not only by those who know nothing upon the subject, but by others who have had more or less opportunity to obtain information.

Certain authorities who have visited the sea-coast and islands assert with positiveness that the resources in this respect are of no value and sustain their arguments to this effect by the apparent while unexplained reason that, during their long occupation of the country, the Russians not only failed to discover valuable minerals, but, further, the researches of a Russian engineer, appointed by his government to make a mineralogical investigation of the country, resulted, after two years

devoted to the research, in an unfavorable report. On the other hand geologists of repute, among whom I may mention Prof. W. H. Dall, of the Coast Survey; Prof. John Muir, State geologist of California; and many practical miners, who are unknown to the public, but who are excellent judges of mineral deposits and formations, all of whom have explored the country quite thoroughly, unite in the opinion that there are strong probabilities that Alaska is rich in precious metals.

I do not propose to collect evidence on the subject, but will briefly give a few of the reasons which cause my opinion to coincide with those of the last-named persons: First. The careful investigations of the officers of the Coast Survey, a summary of which is given in the Alaska Coast Pilot, indicate that coal, copper, and iron are to be found in localities described; secondly, the information given to me in person by Professor Muir, who, among other things, expressed to me in September last his confidence that the lodes of Nevada extended through Alaska, and that the ledges on Baranoff Island were of the same formation; also that he was confident that somewhere on the mainland not far from Sitka there would be found valuable gold deposits; also by information from the miners and prospectors; and, thirdly, from my own observations upon visits to the mineral regions in the mountains.

Before doing so, I will endeavor to make it apparent why the Russians and the Russian engineers failed to discover minerals.

The country was controlled by the Russian Fur Company, which devoted its energies to the development of the fur trade—its legitimate business—and to the prevention of search for mineral lands, every acre of which, if found, would, by the terms of the permit, revert to the Russian Government, and naturally the company was averse to any enterprise which tended to lessen its power, influence, and revenue.

From old Russian creoles of intelligence who lived in Sitka during the Russian rule I learned that, from time to time, reports and specimens of ores were brought in by Indians and traders. The reports received no attention, and the quartz specimens were considered to be marble, of which there are several known quarries in the neighborhood.

In 1855, an engineer officer, named Darreham, was detailed to explore the country, and to report on its minerals. Two years were by this officer devoted to the carrying out of his instructions, and in 1858 he sent in his report, which was unfavorable. During the two years there were not over ten months of suitable weather for prospecting, and the officer had but few assistants with knowledge on thesubject. A large proportion of his summer work was devoted to visits to Kadiak and other islands, to Cross Sound, Pent Straits, and Whale Bay, in none of which have any of the prospectors who have since followed his route been able to find any deposits of value. He never visited the mountains on Baranoff Island, where since the date mines apparently of value have been discovered, and more or less developed. His winters at Sitka were, as was natuual, occupied in festivities.

In 1868, the country was transferred to the United States, and since that date a number of discoveries of value have rewarded the prospectors, none of whom were by the Russian governor permitted to go into the interior of the island.

In 1871 a soldier, named Doyle (who died at Sitka a few months after giving me the following information), discovered the first gold-bearing quartz ledge in the vicinity of Sitka. He also found some little gold in a creek which emptied into Silver Bay, to the eastward of Sitka. The quartz specimens that he brought in were not valuable, although they contained some gold, and little notice was taken of the matter.

In 1872 Doyle, accompanied by Mahoney, another soldier, made another trip to the mountains, and procured more specimens from the ledge, but, as they were intent on placer prospecting, they were unprovided with tools, and procured but little rock. This, being exhibited in the saloon of Samuel Millelich, attracted the attention of another soldier, named Nicholas Haley, who had previously been a miner in Nevada, and he being thus familiar with "rock" considered that the sulphurets visible in the specimens indicated value, and a party of soldiers, accompanied by officers, made a ten days' visit to the ledge, of which nine were spent in clearing away trees and sod. On the tenth, they having developed a ledge of quartz about 11 feet wide between well-defined slate walls, a blast was made in the "pay-vein," and from the rock thrown out and broken up about $60 worth of free gold was obtained. From the date of the return of this party, until fall in 1879, parties prospecting the mountains have discovered a large number of ledges on the same range, many of which have proved by assay to be rich in gold.

The unsettled condition of the country prevented the few capitalists who had any faith in the discoveries from venturing to develop any of these ledges except one, which has been slightly worked by a company, which has built a 20-stamp mill and produced considerable gold—not enough, however, to pay, there having been a great deal of mismanagement and suspected misappropriation of the proceeds by the employés of the company.

Haley discovered a number of ledges of apparent value. One other, the "Witch," which is, I believe, owned by him alone, is apparently a rich pocket mine, which has furnished a large quantity of nuggets of free gold. During the summer of 1880 Haley, assisted by his family, has taken from this mine daily an average of an ounce of gold, obtained by crushing in a hand mortar the decomposed quartz, and treating it with mercury, thus obtaining the free gold only.

Haley's statement to this effect I obtained confirmation of to a certain extent from the parties who bought his amalgam, and by my personal experience in crushing and treating under his supervision, in his cabin, five pounds of rock taken at random from a bag-full, which yielded me 34 grains of pure gold.

A collection of specimens from a number of the Baranoff ledges were obtained by me by breaking them off myself. Some of these proved by assay at San Francisco to be worth from $10 to $500 per ton, and others were forwarded by me to the National Museum and to the Navy Department in October, 1879.

The heavy snowfall of winter of 1879 put a temporary stop to all prospecting of Baranoff Island, and thus left idle in spring a large party of miners, whose services were made useful by us in forming of them the Pioneer Chilkhat Expedition, fully described in this report.

At the date of my detachment in September the parties were still absent in the interior, reports being received from time to time that the Indians were loyal to their promises, and giving them good treatment and aid.

Six weeks after my departure one of the prospecting parties discovered in the neighborhood of Douglas Island, near Taku Inlet, ledges of auriferous quartz, of such value that the stories received by me in my letters, and others which have been widely published, sound too extravagent to justify me in giving them place here.

The ledges are about 140 miles from Sitka, and about in the range explored by Professor Muir.

All of the people of Sitka and Wrangell have so much confidence in

the value of the discovery, that extensive preparations are being made for a wholesale emigration this spring to the new town of Rockwell, which, in January, consisted of twenty-five houses, with lumber, &c., on hand to build a great many more. It is probable that ere this it has grown greatly, and that miners from the Pacific coast are flocking to it, steamers and sailing-vessels advertising for passengers to "the new El Dorado."

When the snow melts it is to be hoped that Alaska will take its first step upward, and that this legitimate result of the "operations of the Jamestown" may be crowned with success.

There will be no law or government over the people except that furnished.

COAL.

I was not able to obtain any definite information as to the existence of any valuable deposit of coal in Southeast Alaska.

The officers of the Coast Survey have learned of such, and the localities are described in their reports and in the Alaska Coast Pilot. In the latter reference is made to a presumed valuable deposit in Saint John's Bay, near Sitka. This I didn't have examined, being led to delay so doing to give precedence to work of more apparent value, I being assured by parties who had undertaken to develop this mine that they found no coal of value.

On Admiralty Island there is a coal mine at the head of Mitchell's Bay, but the coal is not valuable. On a little island in Sitka Harbor there are "indications," and an enterprising merchant has sunk a 30-foot shaft, as yet finding nothing but salt water.

Some of the Indians from Yak-e-tat described to me mines of coal in Bering's Bay, and wells of oil which would burn, probably petroleum.

COPPER.

Several explorers, among whom were Mr. Allen Francis, Edmund Bean, and others, have sought in vain for reported copper mines up the "Copper Mine River." No one has been able to find them; the Indians of the vicinity have shown fair specimens, and use the metal for axes, tobacco crushers, &c. I have seen some of these, and Mr. Bean procured a large knife of this metal.

GRAPHITE AND SILVER.

In Glacier Bay there are, on several of the islands, high bluffs, which are streaked with veins of graphite and arsenical silver. I have broken off from rocks near the water's edge pieces, which, upon assay, yielded from 10 to 40 ounces silver per ton and 50 per cent. graphite.

IRON.

I saw a few specimens of magnetic iron ore, and one of my objects in making the trip to Chilkhat was to search for a reported iron mine in the vicinity. The natives being at war, I could not carry out my plans.

In conclusion, I would state that at the date of my leaving Sitka the country was at peace throughout, and my task of restoring harmonious relations on a permanent basis between the whites and Indians seemed to have been accomplished.

Very respectfully,

L. A. BEARDSLEE,
Captain, United States Navy.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 72.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with draft of bill for the per capita distribution of the sum of two thousand dollars to the band of Eastern Shawnee Indians at Quapaw Agency, Indian Territory.

JANUARY 24, 1882.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, with draft of a bill for the per capita distribution of the sum of two thousand dollars to the band of Eastern Shawnee Indians at Quapaw Agency, Indian Territory, with accompanying papers noted in said communication.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 24, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1882.

SIR: I have the honor to submit herewith for your consideration a draft of a bill, prepared in the office of the Commissioner of Indian Affairs, allowing a per capita payment to members of the band of Eastern Shawnee Indians at Quapaw Agency, Indian Territory. The sum for distribution named in the bill is two thousand dollars ($2,000).

The petition of the Shawnees, and the letter of the Commissioner of Indian Affairs, presenting the subject, will be found herewith; and agreeably to the recommendation of the Indian Office, I respectfully request that the subject may be transmitted for the consideration of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 20, 1882.

Hon. SECRETARY OF THE INTERIOR:

SIR: I have the honor to inclose herewith a copy of a petition from the Eastern Shawnee Indians at Quapaw Agency, Indian Territory, setting forth their impoverished condition, caused by the failure of their crops and the ravages of the chintz-bugs during the past season, and in which they request a cash payment of two thousand dollars per capita from their uninvested funds in the Treasury, to relieve their wants and necessities. The said Indians have to their credit in the Treasury the sum of eleven thousand seventy-nine dollars and twelve cents ($11,079.12) uninvested, at five per centum per annum, and, as no part of said fund can be paid to the said Indians without permission of Congress, I inclose herewith a draft of a bill providing for the payment to them of two thousand dollars ($2,000) per capita, which I respectfully recommend may receive the approval of the department and be transmitted to Congress for early action.

Very respectfully,

H. PRICE,
Commissioner.

A BILL for the relief of the Eastern Shawnee Indians at the Quapaw Agency, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid in cash, per capita, to the Eastern Shawnee Indians, at Quapaw Agency, Indian Territory, from their uninvested funds in the Treasury, the sum of two thousand dollars ($2,000), in order to relieve their pressing wants and necessities occasioned by the failure of crops during the summer and fall of the year eighteen hundred and eighty-one.

QUAPAW AGENCY,
SHAWNEE RESERVE, INDIAN TERRITORY,
January 4, 1882.

To the Hon. H. PRICE,
Commissioner of Indian Affairs, Washington, D. C.:

SIR: The petition of the subscribers, members of the Eastern Shawnee tribe of Indians, of the Quapaw Agency, Indian Territory, respectfully showeth:

That the drought which prevailed here the past season, aided by the ravages of "chintz-bugs," very nearly destroyed all our corn and wheat crop, and, in addition, prevented the growth of potatoes, or fruit of any kind; that the hay crop was poor, and without the aid of grain is not sufficient to carry our stock through till another crop can be raised; that owing to these unavoidable calamities, we are left in a most destitute and helpless condition; that up to this time we have steadily increased our little property by adding to our live stock from year to year, until we began to feel and realize that we were in better circumstances than we had ever realized since our removal to this home.

That many of us will be compelled to suffer great loss in the sale of our live stock unless our wants are supplied from our funds, while a few of the old and poorer people, who have no stock, will be objects of charity without substantial aid; that we do not come to you asking for the white people's money for our relief, but for our own, so that none may suffer and none be compelled to sacrifice their little herd.

That it is the earnest desire of each and all of us that the honorable Commissioner will prepare and submit a bill to Congress for our relief, so that not less than two thousand dollars ($2,000) of our funds received from the sale of 12,000 acres of land to the Ottawas can be paid to us at an early day. In granting our request, you will not only make our heart's glad, but cause us to be ever grateful to the government we love and respect.

And your petitioners will ever pray, &c., &c.

Each signature represents so many as numbers placed opposite each name:

3. John Jackson, his x mark, 1st chief.
3. George Beaver, his x mark, 2d chief.
1. Lazarus Flint.
1. Thomas Captain, his x mark.
2. Thomas Stand, his x mark.
2. Fannie Boone, her x mark.
1. Chilo Kyzer, his x mark.
1. Lizzie Kyzer, her x mark.
2. Lack wi pe a Blackfish, her x mark.
2. Mary Jane Flint, her x mark.

1. Charles Stand, his x mark.
2. Stonewall Jackson, his x mark.
3. William Dick, his x mark.
3. Susan Jackson, her x mark.
3. Lucinda Dick, her x mark.
2. La qua ta Lincoln, her x mark.
2. Betsey Tomahawk, her x mark.
2. Mattie Williams, her x mark.
1. Susan Kyzer, her x mark.
1. Rosalie Bluejack, her x mark.
1. Mary McDaniel, her x mark.
1. George McDaniel, his x mark.
1. Macoquas Parks, her x mark.
1. James A. Boone, his x mark.
1. Jane Jackson, her x mark.
1. Ki ke ni pe asu Jackson, her x mark.
4. Nancy De Shane, her x mark.
2. Carrie Bluejacket, her x mark.
1. Lucy Beaver, her x mark.
2. Jonathan Punch, his x mark.
2. John Logan, his x mark.
1. John Mohawk, his x mark.
2. Jacob Tomahawk, his x mark.
1. Much e the Ball, her x mark.
1. Ellen Quick, her x mark.

Witness to marks:
LAZARUS FLINT, interpreter.
WM. D. HODGKISS.

The signatures represent a total of 60 persons, all members of the said tribe, and duly represented when above was signed.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 73.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with draft of bill to increase the salary of the Commissioner of the General Land Office, and to create the offices of Assistant Commissioner of the General Land Office and inspectors of surveyors-general and district land offices.

JANUARY 24, 1882.—Read, referred to the Committee on Public Lands and ordered to be printed.

EXECUTIVE MANSION,
January 24, 1882.

To the Senate and House of Representatives :

I transmit herewith a communication from the Secretary of the Interior, with draft of a bill to increase the salary of the Commissioner of the General Land Office, and to create the offices of Assistant Commissioner of the General Land Office and inspectors of surveyors-general and district land offices.

The matter is commended to the attention of Congress.

CHESTER A. ARTHUR.

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1882.

SIR: I have the honor to inclose herewith the draft of a bill to increase the salary of the Commissioner of the General Land Office, and to createthe offices of Assistant Commissioner of the General Land Office and inspectors of surveyors-general and district land offices.

In this connection I beg leave to invite your attention to pages 25 and 26 of a letter from the Commissioner of General Land Office (copy herewith), setting forth the necessity for such legislation, and I cordially concur in his opinion as to the necessity of some action on the part of Congress on this subject.

I have the honor, therefore, to suggest to you the propriety of transmitting the inclosed draft of a bill with the inclosed document to Congress, with your recommendation for its enactment.

I have the honor to be, sir, with great respect, your obedient servant,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

A BILL to increase the salary of the Commissioner of the General Land Office and to create the offices of Assistant Commissioner of the General Land Office, and inspectors of surveyors-general and district land offices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office shall be entitled to a salary of five thousand dollars a year.

SEC. 2. There shall be in the Department of the Interior an Assistant Commissioner of the General Land Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of three thousand dollars a year.

SEC. 3. The Assistant Commissioner shall act as Commissioner in case of a vacancy in the office of Commissioner of the General Land Office, or in case of his absence, and he shall perform such other duties as shall be prescribed by the Commissioner, or as may be required by law.

SEC. 4. There shall be appointed by the President, by and with the advice and consent of the Senate, not exceeding five inspectors of surveyors-general and district land offices, who shall each be entitled to a salary of three thousand dollars a year and actual traveling expenses, and whose duty it shall be, under the direction of the Commissioner of the General Land Office, to inspect the surveyors-general and district land offices, and the operation of the public-land system, including the system of surveys, and who shall perform such other duties as may be required of them by the said Commissioner or the Secretary of the Interior. They shall have authority at all times to examine the papers and records of the surveyors-general and district land offices, and the work of deputy surveyors in the field, and shall have power to administer oaths to all parties whose evidence may be required in the course of their investigations.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
October 25, 1881.

SIR:

* * * * * * *

It will be observed that the above estimate embraces more clerks at somewhat less salaries than were asked for last year by my predecessor. He did not ask for a greater number of clerks, because at that time there was no room to accommodate them, and in the matter of my estimate for salaries I have sought to name the very lowest figures which, in my judgment, would possibly justify a reasonable expectation of retaining what good and competent men are now employed and thoroughly skilled in the business, and of obtaining from the outside a class of ability which the public have a right to expect will be employed to adjust the vast interests committed to this office.

I conceive it to be of great importance that a deputy commissioner be speedily authorized for this office.

The executive duties devolving upon the head of the bureau are so great and varied, as is well known, that it is impracticable and beyond physical possibilities for any Commissioner to personally discharge them in a proper manner. With a deputy commissioner a division of these duties can be made which will result largely to the benefit of the public business. I therefore recommend that this officer be authorized at as early a date after Congress convenes as may be practicable.

I have also estimated for an appropriation for three inspectors of surveyor-general and district land offices, at a salary of $3,000 each. It has been the practice to detail clerks from this office, or employ special agents from the outside, to investigate irregularities and frauds, and to inspect the local offices. This proceeding is, however, open to serious objection. Not only is the agent comparatively unskilled in most instances, but the system of an occasional examination does not meet the demands of the service. The local land officers are subject to frequent change by death, resignation, or removal, and new and unskilled officers are appointed; errors in business methods are perpetuated, and by reason of defective proceedings in the local offices, claimants frequently suffer, and additional work is imposed upon this office. The local offices should be under continued and intelligent supervision. A system of fraud not infrequently continues for a considerable time before this office is advised of its existence, and then it has but imperfect remedies at its command. In this, as in most other matters, prevention is better than cure.

The inspectors named should be tried, trusty, intelligent men, well versed in land laws and in the business of this office. Their duty should be, under direction from this office to aid in the opening of all new land offices; to instruct new officers in their duties; see that the offices are legally and properly administered; detect and report

fraud, irregularities, and inefficient officers, and, in short, to do and perform any duties in connection with the land service for which special agents have heretofore been appointed, or as the Secretary of the Interior or this office may direct.

Many of the same reasons which render the employment of inspectors in the Indian Department advisable apply with equal force to the land service. I am confident that the employment of such inspectors would cost less than the present system, would be far more effective, and would result in speedy improvement of the service.

Respectfully submitted.

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 74.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with draft of a bill authorizing the sale of certain pine timber cut upon the Menomonee Reservation in Wisconsin, with accompanying papers.

JANUARY 24, 1882.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, with draft of a bill authorizing the sale of certain pine timber cut upon the Menomonee Reservation in Wisconsin, together with the accompanying papers noted in said communication.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 24, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1882.

SIR: I have the honor to submit herewith for your consideration a draft of a bill prepared in the office of the Commissioner of Indian Affairs, authorizing the sale of certain pine timber cut upon the Menomonee Indian Reservation, in the State of Wisconsin, together with the letter of the Commissioner transmitting the same; and respectfully request that the subject may be transmitted for the consideration of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 5, 1882.

The honorable the SECRETARY OF THE INTERIOR:

SIR: On the 25th April, 1876, an act of Congress (19 Stat., 37) was passed authorizing the sale of certain logs cut by the Indians of the Menomonee Reservation in Wisconsin, under the direction of this department, in compliance with which such logs were subsequently sold.

It has since transpired that there are from a million to a million and one-half feet of pine logs lying skidded in the woods on the Menomonee Reservation, which were cut subsequent to the passage of said act, viz, during the winter of 1876–'77, under the direction of the then agent, J. C. Bridgman, contrary to the express orders of this department issued to him on the 14th January, 1876.

This timber is depreciating in value every year from being worm-eaten, besides the great danger of forest fires, and unless soon sold will be a total loss.

I therefore respectfully recommend that the matter be presented to Congress at once, and that immediate legislation be urged, giving authority to sell the logs in question.

I herewith submit the draft of a bill (in duplicate) calculated, in my judgment, to meet the requirements of the case. A similar bill was introduced in the House at the last session of Congress, but progressed no further than a reference to committee.

A copy of this report is also inclosed.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

A BILL authorizing the sale of certain logs cut by the Indians of the Menomonee Reservation in Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to cause to be sold at public sale to the highest bidder, for cash, after due public advertisement, and in such lots or quantities as he may deem judicious, all pine timber cut upon the Menomonee Indian Reservation during the winter of 1876–'77, under the direction of the then United States Indian agent, J. C. Bridgman.

SEC. 2. That the proceeds arising from all sales of such timber shall be applied, first, to the payment of any and all indebtedness incurred for labor, supplies, and other expenses incident to the cutting and sale of said timber, and the surplus, if any, shall be deposited in the Treasury of the United States to the credit of said Indians, and expended for their benefit under the direction of the Secretary of the Interior.

47TH CONGRESS, 1st Session. } SENATE. { Ex. DOC. No. 75.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with draft of bill and accompanying papers, in reference to the proposition of the Creek Nation of Indians for the cession of certain of their lands in the Indian Territory occupied by the Seminole Indians.

JANUARY 24, 1882.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, with draft of a bill and accompanying papers, in reference to the proposition of the Creek Nation of Indians for the cession of certain of their lands in the Indian Territory occupied by the Seminole Indians.

The subject is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 24, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1882.

SIR: I have the honor to submit herewith, for your information and such action as you may deem proper, a copy of a letter of the 9th instant from the Commissioner of Indian Affairs, upon the subject of Creek Indian lands in the Indian Territory occupied by Seminole Indians, with copy of draft of proposed legislation and other papers noted therein.

This subject was brought to the attention of Congress at its last session, but, so far as this department is informed, no action has been taken by that body in relation to the matter.

The importance of a final settlement of the questions involved will be appreciated when it is stated that three several attempts at settlement have been made by the United States with the Creeks without avail, until last winter, when the Creek delegation, in this city, made a proposition under instructions from the legislative authority of their nation, which was submitted to Congress, as before noted.

The draft of bill herewith presented by the Commissioner for the ratification of the agreement or proposition of the Creeks is designed to settle the points at issue, and concurring in his recommendations I

respectfully suggest that the measure, should it meet with your approval, be recommended to the favorable consideration of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 9, 1882.

SIR: Referring to office report of February 18, 1881 (two copies herewith), upon the subject of the Creek lands in Indian Territory occupied by the Seminole Indians, in which recommendation was made that Congress be asked to appropriate one hundred and seventy-five thousand dollars for the purchase of one hundred and seventy-five thousand acres of land (at one dollar per acre) from the Creek Indians, embracing the improvements made thereon by the Seminole Indians, and referring to my views on this subject, as expressed in the annual report of this office for the year 1881, page LIV, I have now the honor to recommend that the agreement made in this city February 14, 1881, by the Creek Nation of Indians, ceding one hundred and seventy-five thousand acres of land in Indian Territory to the United States, being the land in question, for the sum of one hundred and seventy-five thousand dollars, be laid before Congress for ratification, and that that body be requested to make the necessary appropriation to carry the same into effect; and that said lands be set apart for the use of the Seminole Nation of Indians, to be held by the same title as they now hold their land under the treaty of March 21, 1866, whenever said Seminoles shall have relinquished to the United State in lieu thereof one hundred and seventy-five thousand acres of land from the western portion of their reserve in Indian Territory ceded to them by the treaty of 1866, and when said relinquishment shall have been approved by the Secretary of the Interior and recorded in the Office of Indian Affairs.

I further recommend that Congress be asked to appropriate the sum of three thousand dollars to be expended in ascertaining and determining the area and surveying the outboundaries of said tracts of land. I submit herewith a copy of this report, and the draft of a bill for the approval and ratification of said Creek agreement, and for the necessary appropriations to carry the same into effect.

The inclosed copies of letter from the Creek delegates, dated the 7th instant, is herewith submitted, setting forth the necessity for early action in the premises.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

A BILL to accept and ratify an agreement made and submitted by the Creek Nation of Indians for the relinquishment of a portion of their land in the Indian Territory to the United States, for the use of the Seminole Nation of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement made and submitted to the Secretary of the Interior by the Creek Nation of Indians, through their delegates duly authorized thereto, bearing date February fourteenth, one thousand eight hundred and eighty-one, be, and the same is hereby, ratified and confirmed.

Said agreement is in words and figures following, namely: "Under the provisions of the act of March 3, 1873 (17 Stats., 626), the Secretary of the Interior was authorized to negotiate with the Creek Indians 'for the relinquishment to the United States of such portions of their country as may have been set apart, in accordance with treaty stipulations, for the use of the Seminoles, and the Sacs and Foxes, of the Mississippi tribes of Indians, respectively, found to be east of the line separating the Creek ceded lands from the Creek Reservation, and also to negotiate and arrange with said tribes for a final and permanent adjustment of their reservations.'" * * *

So much of said act as relates to the Sacs and Foxes has been carried into effect by their removal to their proper location on lands west of the said "dividing line." The Seminoles are, however, still occupying the lands belonging to the Creeks, for which occupancy the Creeks have as yet received no compensation, from the fact that no agreement could be arrived at between them and the United States as to the price per acre to be paid to the said Creeks by the United States for said lands.

The undersigned, members of the Creek delegation, resident in Washington, duly authorized to act in the premises, both by appointment for general purposes under the certificate of the governor, under the national seal, and also by special action of the national council in this instance, copies of which general and special authority are hereto attached, do promise and agree for themselves and for their nation that they will sell, cede, and dispose of the lands now occupied by the Seminoles, belonging to the Creek Nation, to the United States for the sum of one hundred and seventy-five thousand dollars.

And the said Creek delegation do hereby agree for and on behalf of said nation that they will cede to the United States, and do hereby cede, a strip of land in the Indian Territory, now occupied by the Seminole Nation of Indians, lying east of the said line dividing the Creek lands from the lands ceded to the United States in the treaty of June 14, 1866; bounded on the north by the North Fork of the Canadian River, on the south by the Canadian River, on the west by the dividing line between the Creek Reservation and the lands ceded under treaty of 1866, above noted, and on the east by a line running north and south between the rivers named; so far east of said division line as will comprise within said described boundaries one hundred and seventy-five thousand (175,000) acres at the price of one dollar ($1) per acre; said cession to be in full force and effect when the sum of one hundred and seventy-five thousand dollars shall have been deposited in the Treasury of the United States to the credit of the Creek Nation, to draw interest at the rate allowed in the treaty of June 14, 1866, wherein certain of their lands in the Indian Territory were ceded to the United States. And one-third of said fund shall be forever set aside for educational purposes, and the remaining two-thirds shall be subject to such use as the Creek council shall determine.

WARD COACHMAN,
PLEASANT PORTER,
DAVID M. HODGE,
Creek Delegation.

WASHINGTON, D. C.,
February 14, 1881.

SECTION 2. That the Secretary of the Treasury shall, out of any money in the Treasury not otherwise appropriated, set apart and hold as a prepetual fund as provided in said agreement, in trust for the Creek Nation of Indians, the sum of one hundred and seventy-five thousand dollars, to bear interest at the rate of 5 per cent. per annum.

SEC. 3. That the land ceded to the United States by said agreement shall be set apart for the exclusive use and occupancy of the Seminole Nation of Indians, to be held by the same title as they now hold their land under the treaty of March twenty-first, one thousand eight hundred and sixty-six, whenever the said Seminole Nation of Indians shall have duly relinquished to the United States in lieu thereof one hundred and seventy-five thousand acres of land from the west side of their present reserve in Indian Territory, as defined in the third article of said treaty of March twenty-first, one thousand eight hundred and sixty-six, and when said relinquishment shall have been approved by the Secretary of the Interior and duly recorded in the office of Indian Affairs.

SEC. 4. That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of the Interior in determining by actual survey the areas of said two tracts of country, and establishing the outboundaries thereof.

SEC. 5. That this act shall be in force from and after its passage.

WASHINGTON, D. C., *January* 7, 1882.

SIR: Referring to the Creek, Seminole land matter, we most respectfully request that you will recommend prompt action by Congress, because, in addition to the merits of the case, under the treaty of 1866, and the act of March 3, 1873, we call attention to the following facts, showing the urgency of the situation:

During the last winter the Tallahassee mission was destroyed by fire, and at the same time the Creek Nation and the Baptist board were constructing, or preparing to construct, a new mission. In September last the Asbury mission, near Eufaula, was destroyed by fire. The Creek Nation was anxious to rebuild the Tallahassee mission, and to construct the new Baptist mission, and this anxiety to increase their educational facilities was one of the leading causes of their consent to sell the Seminole land, and in anticipation of funds from this source, they began and are now proceed-

ing to erect a new Tallahassee mission and are carrying on a school at the Baptist mission.

At the last council, in October, provisions were made for the rebuilding of Asbury mission.

Unless an appropriation shall be promptly made, these school interests will be greatly injured, and, indeed, the probability now is that some of the schools must be suspended.

Even had the appropriation been made by the last Congress, it would have required great prudence and financial skill to have carried on our public school system, embracing 28 schools, and to have constructed the new Baptist mission; but when the Tallahassee and Asbury missions were burned the fiscal burdens were increased beyond the ability of our nation, unless re-enforced from this Seminole obligation. The United States urged the Creeks for ten years to sell this land, and when our nation agreed to the terms proposed, we did not contemplate any delay in payment.

Respectfully, your obedient servants,

WARD COACHMAN,
PLEASANT PORTER,
Creek Delegates.

To Hon. S. J. KIRKWOOD,
Secretary Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 18, 1881.

The honorable the SECRETARY OF THE INTERIOR:

SIR: I have the honor to invite the attention of the department to a question that has been a matter of dispute and disturbance since 1867 between the Seminoles and Creeks in Indian Territory, the present location of the Seminoles. The history of the matter is, briefly as possible, as follows:

By the 3d article of the Creek treaty of June 14, 1866 (Stats. 14, p. 786), the Creeks ceded to the United States the west half of their entire domain, "to be sold to, and used as homes for, such other civilized Indians as the United States may choose to settle thereon." The Creek domain at that date embraced the region designated in red on the map herewith. The 8th article of the treaty made it the duty of the Secretary of the Interior to cause the line dividing the Creek country to be accurately surveyed, the expense to be paid by the United States.

By the 3d article of the Seminole treaty of March 21, 1866 (Stats. 14, p. 756), the Seminoles ceded their entire domain to the United States, "to locate other Indians and freedmen thereon," the United States agreeing to pay therefor to the Seminoles the sum of $325,362. By the same article the United States granted to the Seminoles two hundred thousand acres of the lands acquired by cession from the Creeks. The lands thus granted to the Seminoles was to be taken from the extreme eastern portion of the tract ceded by the Creeks, as is evident from the terms of the grant in the treaty, although in that respect the treaty is loosely worded, the two hundred thousand acres granted to the Seminoles being described as follows:

"Beginning on the Canadian River where the line dividing the Creek lands according to the terms of their sale to the United States by their treaty of February 6, 1866, following said line due north to where said line crosses the North Fork of the Canadian River, thence up said North Fork of the Canadian River a distance sufficient to make two hundred thousand acres by running due south to the Canadian River; thence down said Canadian River to the place of beginning."

It is clear that the line separating the westerly half of the Creek domain, ceded to the United States, from the easterly half retained by the Creeks, was intended to be the east line of the Seminole two hundred thousand acre tract; that the south and north boundaries of this tract were to be the Canadian River and North Fork of Canadian River, respectively, and that the west boundary must be a line parallel to the east boundary and distant therefrom far enough to include the requisite number of acres. The reference in this treaty to the date of the Creek treaty (February 6, 1866) is evidently either a misprint or a mistake of the draftsman, as there is no treaty of that date between the United States and the Creeks. The treaty with the Seminoles was concluded March 21, 1866; that with the Creeks, June 14, of that year. As before stated, it was, however, evidently the intention of the parties to the treaty of March, 1866, that the lands ceded to the Seminoles, should be situated on the eastern portion of the domain, which it was believed would be ceded to the United States, for it is well known that negotiations were going on for a length of time between the commissioners on the part of the United States and the delegates of the Creek and Seminole Indians, and that the cession by the Creeks to the United States of the land granted to the Seminoles was agreed upon and would be made when a treaty was concluded. Before,

therefore, the actual location granted to the Seminoles, and which was to constitute their national domain, could be determined, it was necessary that the Creek dividing line should be established. This duty was devolved upon the Secretary of the Interior by the 8th article of the Creek treaty, the expenses to be paid by the United States, and an appropriation of $4,000 was made by Congress for this purpose, July 28, 1866 (Stats. 14, p. 320, 3d paragraph from top of page).

At this time a large part of the Seminoles were homeless. During the war of the rebellion a portion of them had cast their fortunes with the South, and those declining to do so were refugees in Kansas, in the neighborhood of Neosho Falls, whence in the fall of 1865 they were removed to the west side of the Arkansas River, in Indian Territory, upon Cherokee lands. It had been found impracticable to remove them to their old homes in the Seminole country, for the reason that no supplies could be had there, and the long distance from Fort Gibson (about one hundred and sixty miles) to transport supplies induced the department to abandon the idea of settling them on their own domain, and to locate them, for the time being, near Fort Gibson, where Indian supplies were then delivered.

In September, 1866, the agent for the Seminoles reported that a considerable portion of the tribe had removed to their new homes and that the remainder were preparing to emigrate that fall. In October the agent reported as follows:

"On my arrival here (Fort Gibson) I find this state of facts to exist: The Seminoles were living on Cherokee lands. They have raised small crops of corn and garden produce, which is now all gone. There is no game or meat nearer than their own country, 125 miles from here. In their own country the few remaining cattle are being exhausted by the southern portion of the Seminoles. They are anxious to get home to save what few they may be able to secure. They wanted to get home so as to cut hay and prepare cabins for winter; and besides all this the Cherokees are dissatisfied at their long stay on their lands and the using of their timber, when it was understood, when permission was given to camp on their lands, that the Seminoles were only to stay during last winter. They could not go without some assistance from the government. Acting with the advice of Judge Harlin, agent for the Cherokees, and J. W. Dunn, agent for the Creeks, I have assumed the responsibility to attempt their removal. I have employed teams on my own credit and will start them for home in a day or two. I shall provide transportation only for the sick, the children, and their household goods. What they will do for provisions at their homes I cannot tell, but they are suffering here and cannot do worse in the Seminole country. I am aware that I have assumed considerable responsibility, but I *know* I have acted for the best interests of the government and the Indians, and I hope I may be sustained."

A portion of the Seminoles thus removed themselves, and the remainder were removed by the government, to what was supposed to be the country granted to them by the treaty, before the boundaries of the land thus ceded had been marked. No appropriation had been made for the survey of this tract, except the appropriation of $4,000, before referred to, to survey the Creek dividing line, and this was found to be inadequate even for that purpose. In the mean time the necessity for the survey of the dividing line between the Creek lands ceded to the United States and those retained by the Creeks, as well as for the segregation of the 200,000 acres granted to the Seminoles, was urged by the Creek and Seminole agents, and in August, 1867, the superintendent of Indian affairs was instructed to have the dividing line surveyed if in his opinion the appropriation of $4,000 was sufficient to defray the expenses; if insufficient, that he should submit an estimate of the amount required.

After examination of the matter that officer reported that he was forced to the conclusion that there was a deficiency of information required to make the survey, and especially a deficiency of means on hand to accomplish it, and submitted an estimate made by a practical surveyor, showing that a much larger amount was required than had been appropriated.

Afterward the superintendent was authorized to employ a competent surveyor to execute the survey of the Creek dividing line and the Seminole 200,000 acre tract; an additional estimate to be made to Congress, and payment to be made as far as the existing appropriation of $4,000 would provide, the surveyor to rely upon the favorable action of Congress for the remainder. An additional appropriation of $5,000 was made March 3, 1869, to complete the survey of the dividing line and to survey the exterior boundary of the grant to the Seminoles (Stats. 15, p. 315). The superintendent entered into contract with John C. Rankin to do the work. I am informed that his survey at first located the east boundary of the Seminole tract (and to that extent the Creek dividing line) about seven miles east of the correct location of said line, as afterward ascertained, and this survey was therefore not approved, and he was required to correct it.

This incorrect survey placed the eastern line of the Seminole tract approximately as shown in green on the map. As finally surveyed and approved by the Secretary of the Interior, July 15, 1872, the correct Creek dividing line is as shown in black on the

map. The country between these two lines, embracing an area estimated at about 175,000 acres, had been settled upon and occupied by the Seminoles since the fall of 1866, the Indians believing themselves, and the department believing them, to be upon the domain granted by the treaty, and having made for themselves homes and very valuable improvements.

When it became known that the Seminoles were occupying lands belonging to the Creeks, the latter protested against such occupancy. Disputes as to jurisdiction arose between the Creeks and Seminoles, the former contending that as the country was theirs they had jurisdiction over it, and the Seminoles refusing to recognize such jurisdiction over the tract occupied by them. The department held, that while the Creeks were not responsible for the inaccurate survey of the western boundary of their country, the Seminoles certainly should not be subjected to the experience of a jurisdiction to which they were averse and within which it was not designed in the treaty to place them, and the Creeks were accordingly notified that their claim to exercise jurisdiction over the Seminoles was not approved by the department, and that any idea of attempting it should be abandoned.

By act of 3d of March, 1873 (Stat. 17, p. 626), the Secretary of the Interior was authorized to negotiate with the Creeks for the relinquishment to the United States of the tract on which the Seminoles had been erroneously located. Under this authorization three attempts were made to effect a satisfactory adjustment of the matter. Soon after the passage of the act a committee, consisting of Enoch Hoag, one of the superintendents of Indian Affairs, Thomas C. Jones, and John M. Milliken, were deputed to negotiate with the Creeks and Seminoles for a final and permanent adjustment of their reservations. They accomplished nothing. The Creeks were unwilling to lessen the area of their reserve, and refused to cede or sell, and demanded that the Seminoles should either become incorporated with them or remove from their land, neither of which the Seminoles would do, as they had been placed there by the government, and were unwilling again to break up their homes and establish new ones. This effort being fruitless of any satisfactory results, in 1875 Hon. J. P. C. Shanks was appointed a special commissioner, among other duties, to settle, or attempt to settle the matter, the records of this office showing that he was authorized to offer the Creeks one dollar per acre for the Seminole tract. In October of that year Mr. Shanks laid before the Creek council a proposition contemplating the cession by the Creeks to the United States for the Seminoles of the tract occupied by them (estimated to contain 175,000 acres), the United States to pay the Creeks one dollar per acre; its true area to be ascertained by survey, to be paid for by the United States.

The Creek council authorized a committee of five "to arrange and settle by a treaty or otherwise *all* Creek interests with the United States Government." This committee proposed to Mr. Shanks to negotiate for the cession to the United States of the tract upon which the Seminoles were located, but they embraced in such negotiation an agreement on the part of Mr. Shanks to obligate the government to bring to speedy settlement and payment a mass of claims alleged by them to be unsettled.

As the authority of the Secretary of the Interior and the agent appointed under the act of 3d March 1873, was specifically for the adjustment of the question of the location of the Seminoles, the proposition of the Creeks could not be entertained, and General Shanks so informed them. So that effort ended, except that after Mr. Shanks' arrival in Washington he was informed by a letter from the Creek principal chief that the Creek council had authorized a commission of thirteen to negotiate for the sale of the Seminole tract upon such terms "as will give the best satisfaction to the Muscogee people," and directing the commission to "report their negotiations to the next annual session of the national council for its approval or rejection."

Matters rested thus until November, 1876, when the third effort was made, by sending Mr. S. A. Galpin as a special agent to negotiate. He made no report.

I am now informed by letter from the department, dated 12th instant, that the Creek delegation resident in this city have signified their willingness to sell to the United States one hundred and seventy-five thousand acres of their land lying east of the "division line," for the use of the Seminoles, at the rate of one dollar per acre, in settlement of all differences and demands on or against the United States growing out of the question of the Seminole occupation thereof. In view of the fact that the tract of country in question is understood to embrace among the most valuable land in the Creek reserve, and that the Creeks have been deprived of its use for more than fifteen years in consequence of the location of the Seminoles on it by the agent of the government, I regard the price named as a just basis for settlement, and therefore respectfully recommend that Congress be requested to insert in one of the appropriation bills yet to be acted on at the present session an item of appropriation in the sum of $175,000 for the payment to the Creeks, at one dollar per acre, for one hundred and seventy-five thousand acres of land lying east of the dividing line and between the Canadian River and the North Fork of Canadian River, for the use of the Seminoles, and an additional item of one thousand dollars, or so much thereof as may be neces-

sary, to survey the outboundaries of the tract so purchased. To this end I submit a draught of items as above indicated.

As shown in the foregoing, the homeless condition of the Seminoles, and their unwelcome occupation of lands belonging to another tribe, as well as the necessity of settling them somewhere as soon as possible, in order to enable them to commence to support their families, led the government to locate them on what, at the time, was supposed to be the land that would inure to them, when the "dividing line" should be surveyed, but which, upon correct survey of the line, was found to be included in the Creek reserve. That they were thus erroneously located is, under the circumstances, not to be wondered at, but certainly it was through no fault of the Seminoles, and the government should therefore pay the Creeks for the lands sought to be purchased, and should also meet the expense of the survey thereof. The Seminoles certainly should not be required to do this, especially when it is considered that they received only fifteen cents an acre for the country relinquished by them in the treaty of 1866, while the United States paid the Creeks thirty cents per acre for the half of their domain ceded to the United States, and then charged the Seminoles fifty cents an acre for the part of the same land sold to them, and only after the lapse of nine years made up to them the difference in price.

Very respectfully, your obedient servant,

THOS. M. NICHOL,
Acting Commissioner.

To purchase from the Creek Nation of Indians for the use of the Seminole Indians, at the price of one dollar per acre, one hundred and seventy-five thousand acres of land adjacent on the east to the dividing line between that portion of the Creek domain ceded to the United States by the Creek treaty of June 14, 1866, and that portion retained by the Creeks, being the land belonging to the Creek Nation upon which the Seminoles were erroneously located by the authorities of the United States, supposing it to be the land granted to the Seminoles by the 3d article of the treaty with the Seminoles, dated March 21, 1866, one hundred and seventy-five thousand dollars, and the Secretary of the Interior is hereby authorized to purchase said lands from the Creek Nation of Indians for the use of the Seminole Indians.

To pay for the survey of the tract of land to embrace one hundred and seventy-five thousand acres, authorized by this act to be purchased from the Creek Nation of Indians for the use of the Seminole Indians, one thousand dollars, or so much thereof as may be necessary, and the Secretary of the Interior is hereby authorized to cause said lands to be surveyed and set apart for the use of the Seminole Nation of Indians.

Under the provisions of the act of March 3, 1873 (17 Stats., 626), the Secretary of the Interior was authorized to negotiate with the Creek Indians "for the relinquishment to the United States of such portions of their country as may have been set apart in accordanee with treaty stipulation for the use of the Seminoles and the Sacs and Foxes of the Mississippi tribes of Indians, respectively, found to be east of the line separating the Creek ceded lands from the Creek reservation, and also to negotiate and arrange with said tribes for a final and permanent adjustment of their reservations." * * *

So much of said act as relates to the Sacs and Foxes has been carried into effect by their removal to their proper location on lands west of the said "dividing line." The Seminoles are, however, still occupying the lands belonging to the Creeks, for which occupancy the Creeks have as yet received no compensation, from the fact that no agreement could be arrived at between them and the United States as to the price per acre to be paid to the said Creeks by the United States for said lands.

The undersigned, members of the Creek delegation, resident in Washington, duly authorized to act in the premises, both by appointment for general purposes under the certificate of the governor, under the national seal, and also by special action of the National Council in this instance, copies of which general and special authority are hereto attached, do promise and agree for themselves and for their nation that they will sell, cede, and dispose of the lands now occupied by the Seminoles, belonging to the Creek Nation, to the United States for the sum of one hundred and seventy-five thousand dollars.

And the said Creek delegation do hereby agree for and on behalf of said nation that they will cede to the United States, and do hereby cede, a strip of land in the Indian Territory, now occupied by the Seminole Nation of Indians, lying east of the said line dividing the Creek lands from the lands ceded to the United States in the treaty of June 14, 1866; bounded on the north by the North Fork of the Canadian River; on the south by the Canadian River; on the west by the dividing line between the Creek reservation and the lands ceded under treaty of 1866 above noted; and on the

east by a line running north and south between the rivers named, so far east of said division line as will comprise within said described boundaries one hundred and seventy-five thousand (175,000) acres at the price of one dollar ($1) per acre; said cession to be in full force and effect when the sum of one hundred and seventy five thousand dollars shall have been deposited in the Treasury of the United States to the credit of the Creek Nation, to draw interest at the rate allowed in the treaty of June 14, 1866, wherein certain of their lands in Indian Territory were ceded to the United States; and one-third of said fund shall be forever set aside for educational purposes and the remaining two-thirds shall be subject to such use as the Creek Council shall determine.

WARD COACHMAN,
PLEASANT PORTER,
DAVID M. HODGE,
Creek Delegation.

WASHINGTON, D. C.,
February, 14, 1881.

MUSKOGEE NATION, IND. T.,
Okmulgee, Ind. T., Nov. 15, 1880.

To whom it may concern:

This is to certify, Hon. Ward Coachman, Hon. Pleasant Porter, and Hon. David M. Hodge are the regularly appointed delegates of the Creek Nation, empowered by the Chief Executive and National Council to act for and represent the Creek government and people in all matters pertaining to their relations with the United States, as per act of National Council approved October 19, 1880.

In testimony whereof I hereunto set my hand and affix the seal of the Muskogee Nation.

[SEAL.]

SAM'L CHECOTE,
Principal Chief of Muskogee Nation.

B. E. PORTER,
Private Secretary.

Be it enacted by the National Council of the Muskogee Nation: That the delegates to be appointed to represent this government at the city of Washington during the next session of Congress are hereby instructed as follows: They shall endeavor to obtain a release from the United States of the land now occupied by the Seminoles, and also of all land of which we have been dispossessed by mistake in survey by representatives of the United States Government.

Secondly, if they find it impossible to reobtain possession of the said lands, they shall then endeavor to obtain a grant of the same quantity and quality of which we have been dispossessed; said grant to be contiguous to our present reservation.

Thirdly, if they then find it utterly impossible either to reobtain the land of which we have been dispossessed, or to obtain other land of similar quality and quantity, in its place, they shall then endeavor to make a final adjustment of the whole matter, by obtaining from the United States Government the largest possible amount of money for a release to the United States both of the land on which the Seminoles now reside and the land of which we were dispossessed by mistake in survey. But in no case shall they accept a smaller amount than one dollar per acre for all land so released, and

Be it further enacted, That should the delegates be forced to release the above mentioned land, one-third of the money obtained for the release shall be devoted to educational purposes, and the remaining two-thirds shall be subject to the action of the National Council of the Muskogee Nation.

The foregoing is a true copy of the act of the Creek National Council of October, eighteen hundred and eighty, at regular annual session.

WARD COACHMAN,
PLEASANT PORTER,
DAVID M. HODGE,
Creek Delegation.

WASHINGTON, D. C.,
February 14, 1881.

EXECUTIVE OFFICE,
Muskogee Nation, Okmulgee, Ind. T., November 22, 1881.

To whom it may concern:

This is to certify that Hon. Ward Coachman and Hon. Pleasant Porter are the regularly appointed delegates of the Creek Nation, empowered by the Chief Executive and

National Council to act for and represent the Creek government and people in all matters pertaining to their relations with the United States, as per act of National Council approved October 29, 1881.

In testimony whereof I hereunto set my hand and affix the seal of the Muskogee Nation.

[SEAL.]

SAM'L CHECOTE,
Principal Chief of the Muskogee Nation.

B. E. PORTER,
Private Secretary.

WASHINGTON, D. C., *December* 8, 1881.

Hon. H. PRICE,
Commissioner of Indian Affairs:

SIR: Representing the Muskogee Nation, we respectfully call attention to the provisions of an act of Congress approved March 3, 1873 (vol. 17, 626), enacting "that the Secretary of the Interior be, and he is hereby, authorized, to negotiate with the aforesaid Creek Indians for the relinquishment to the United States of such portion of their country as may have been set apart in accordance with treaty stipulations for the use of the Seminoles and the Sacs and Foxes of the Mississippi tribe of Indians respectively, found east of the line separating the Creek ceded lands from the Creek Reservation, and also to negotiate and arrange with said tribes for a final and permanent adjustment of their reservations, and the Secretary shall report the result to Congress."

Under said statute negotiations were concluded, and the Secretary of the Interior made a report asking for an appropriation of $175,000 to compensate the Muskogee Nation for 175,000 acres of land in the possession of the Seminoles, but said report was received too late for consideration and adoption by Congress.

We therefore request that an estimate of appropriations for said sums be again submitted to Congress at your earliest convenience, and in this connection we would refer to a letter from the Office of Indian Affairs, dated July 29, 1881, directed to our chief, in which occurs the following language: "It is the intention of this office to renew the recommendations for the adjustment of the case at the next session of Congress."

Very respectfully,

WARD COACHMAN,
PLEASANT PORTER,
Creek Delegates.



SEN. EX. DOC. No. 75, 1st SESS., 47th CONG.

47TH CONGRESS, 1st Session. } SENATE. { EX DOC. No. 76.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A communication from the Chief of Engineers of the Army of January 25, 1882, and accompanying copy of report from Capt. O. H. Ernst, Corps of Engineers, upon a survey of Fish Bend, in the Mississippi River, near Fort Chartres.

JANUARY 29, 1882.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, January 26, 1882.

The Secretary of War has the honor to transmit to the United States Senate, for the information of the Committee on Commerce, a communication from the Chief of Engineers of the Army of yesterday's date, and accompanying copy of report from Capt. O. H. Ernst, Corps of Engineers, upon a survey made in compliance with requirements in the river and harbor act of March 3, 1881, of Fish Bend, in the Mississippi River, near Fort Chartres.

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT *pro tempore*
of the United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 25, 1882.

SIR: To comply with the requirements of the river and harbor act of March 3, 1881, I have the honor to submit herewith a copy of a report to this office from Capt. O. H. Ernst, Corps of Engineers, of the results of a survey under his direction of Fish Bend, in the Mississippi River, near Fort Chartres.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

HON. ROBERT T. LINCOLN,
Secretary of War.

SURVEY OF FISH BEND, NEAR FORT CHARTRES, IN THE MISSISSIPPI RIVER.

UNITED STATES ENGINEER OFFICE,
Saint Louis, Mo., December 31, 1881.

GENERAL: I have the honor to transmit herewith a map of Fish Bend, near Fort Chartres, in the Mississippi River, surveyed in August and September last, to comply with the provisions of the river and harbor act of March 3, 1881.

Fish Bend is situated about 40 miles below Saint Louis. The river leaves the Missouri bluff near Rushtown Landing and makes an incursion into the alluvial bottom on the Illinois side, returning to the Missouri bluff again at Penitentiary Point. The channel following the Missouri shore as far as Rush Island, crosses over to the Illinois shore below Goodman's Landing, and thence follows that shore nearly to Penitentiary Point. The deep concave bend which it has excavated for itself in the Illinois shore is known as Fish Bend.

The land on the Illinois side is almost entirely cleared of trees, and is under cultivation; the soil is the light sandy alluvion of the Mississippi Valley, and the direction of approach of the river is favorable to attack. These circumstances are all conducive to rapid erosion.

The bend was surveyed under the direction of my predecessor in 1874, and again in 1879. The shore lines, as developed by those surveys, are indicated on the map. They show a marked advance into the Illinois bottom, with a general movement of the bend down-stream. The greatest amount of excavation since 1874 is found just below Salt Lake, where the Illinois bank has receded about 1,875 feet, which is at the rate of 268 feet per year. The greatest excavation since 1879 is found just above Salt Lake and above Penitentiary Point. At the former place the bank has receded 794 feet; or 397 feet per year; and at the latter place 835 feet, or 417½ feet per year. Between these points there is one place where for a short distance the excavation has been almost nothing since 1879, though very large since 1874. The amount of land destroyed since 1874 is about 523.8 acres, or about 75 acres per year; and since 1879 about 180 acres, or 90 acres per year. Estimating the value of the land at $50 per acre and taking the more recent rate of annual destruction, the annual loss is about $4,500. The obvious means to prevent this loss is to strengthen the bank by a revetment. An efficient revetment includes a continuous mattress 120 feet wide laid at the foot of the slope below low-water mark, above which the bank is to be graded to a gentle slope and covered with a layer one foot thick of broken stone up to a height of 16 feet above low-water mark, and above that level to be planted with willows. The foot mattress should be made absolutely continuous if practicable, but if the current be too swift for progressive sinking, it should be made in sections not less than 1,000 feet long, and these should overlap each other so as to make the protection absolutely continuous when in place.

The cost of such a revetment is now estimated at about $10 per running foot, though it is possible that, as the men are trained and become more expert, the cost may be reduced. The total length of bank requiring protection from Goodman's Landing to Penitentiary Point is 19,166 feet. The total cost of protecting Fish Bend would be $191,660.

The annual interest upon this sum at 4 per cent. is $7,666.40, while the present annual loss from the destruction of land is but $4,500.

In stating the amount of commerce to be benefited by such an improvement, some explanations are necessary. The result of rapid caving

MAP OF

FISH BEND

NEAR FORT CHARTRES IN THE MISSISSIPPI RIVER.

Surveyed in Aug.& Sept. 1881

to comply with the provisions of the River and Harbor Act of Mar. 3d 1881

under the direction of

Capt. O. H. ERNST, Corps of Engineers.

by

John O'Bolman

Assistant Engineer

Scale

Note.

Stage of River at time of soundings 830 feet above low water of 1863 by St. Louis gauge.

St Louis, Mo. Dec. 31st 1881.

Respectfully forwarded to Chief of Engineers with letter of this date.

O. H. Ernst

Capt. Corps of Engineers.

ILLINOIS

MISSOURI

SALT LAKE

IVY

Goodmans

Low water shannel of 1881

Shore line in 1879

Shore line in 1874

Bar line of 1878

Bar line of 1874

Bar line of 1879

Perry T.H.

RUSH T.H.

RUSH ISLAND

AMES I.

LEE ISLAND

Channel

Shore line in 1879

Bush Tower Light

Big Hollow

Tow Head

Montgomery Pt.

Shore line in 1879

Bar line in 1878

Channel

SEN. EX. DOC. No. 76, 1st SESS., 47th CONG.

of a bank is not only to inflict loss upon the riparian proprietor, but it is also injurious to navigation, by throwing into the stream a larger amount of material than it can carry. This material is at first swept along by the swift current usually prevailing in a sharp bend, until it reaches a crossing or wide place below, where it is deposited, and where it forms a shoal. In general terms, the protection of any bank from erosion is beneficial to navigation, by shutting off that supply of channel-choking material. But to stop the caving in a single detached bend may or may not be of permanent value to navigation. In a river having alluvial banks one bend is supplemented by other bends on the opposite side, above and below. The material excavated from one bend is often dropped upon or below the adjacent point, causing accretions, and the result is that the location of the bend is steadily moving down-stream, the upper portion being filled up as this movement progresses. If, in such a case, a detached bend be protected, and the opposite bend above be left unprotected, the works placed in the former will, in time, be buried, and will have served only a temporary purpose, the river seeking a new location for itself somewhere else. It sometimes happens, also, that the river will desert a well-defined bend, cutting a new channel for itself across the opposite point. It may be laid down as a rule that no permanent benefit to navigation can be expected with confidence from the protection of a single detached bend.

To insure permanent benefit the direction of approach of the channel must be fixed, and this involves the systematic improvement of the river above. While the protection of Fish Bend at this time would, without doubt, be of benefit to navigation for the time being, the work should not be undertaken in the interest of navigation until it shall be known with certainty where the bank of the river in this vicinity is to be in the future. The general improvement of the river now progressing down-stream from Saint Louis will reach a point about 15 miles above Fish Bend during the coming year. Its rate of advance being dependent upon the amount of future appropriations, it is uncertain when this locality will be reached.

It is therefore concluded that the protection of Fish Bend at this time will be a work for the protection of land, and that the benefit to commerce to be derived from it will be insignificant.

Very respectfully, your obedient servant,

O. H. ERNST,
Captain of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 77.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A communication from the Chief of Engineers of the Army, dated January 24, 1882, covering copy of report from Maj. G. J. Lydecker, Corps of Engineers, upon survey of the Calumet River.

JANUARY 27, 1882.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, January 26, 1882.

The Secretary of War has the honor to transmit to the United States Senate, for the information of the Committee on Commerce, a communication from the Chief of Engineers of the Army, dated the 24th instant, covering copy of report from Maj. G. J. Lydecker, Corps of Engineers, upon a survey of "the Calumet River, from South Chicago to the village of Pullman, on Lake Calumet," made in compliance with provisions in the river and harbor act of March 3, 1881.

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT *pro tempore*
of the United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 24, 1882.

SIR: I have the honor to submit herewith a copy of a report to this office from Maj. G. J. Lydecker, Corps of Engineers, of the results of a survey under his direction of "the Calumet River, from South Chicago to the village of Pullman, on Lake Calumet," made to comply with provisions of the river and harbor act of March 3, 1881.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

SURVEY OF CALUMET RIVER, FROM SOUTH CHICAGO TO THE VILLAGE OF PULLMAN, ON LAKE CALUMET.

UNITED STATES ENGINEER OFFICE,
Chicago, Ill., January 7, 1882.

GENERAL: I have the honor to submit the following report on a "survey of the Calumet River, from South Chicago to the village of Pullman, on Lake Calumet," made in compliance with requirements of the river and harbor act of March 3, 1881.

This river empties into Lake Michigan at South Chicago, at which point the United States has constructed "Calumet Harbor," through which the commerce of the lakes is afforded entrance to the river, the channel depth through the harbor admitting vessels drawing 15 feet at low-water. Passing up the river a distance of 6½ miles, we arrive at the inlet to Lake Calumet, at the northwest extremity of which is located the town of Pullman, distant 2½ miles from the river; the general level of the lake is about 10 inches above that of Lake Michigan, its absolute level at any given time being dependent upon that of the latter.

At ordinary stages vessels drawing 15 feet cannot pass above the limits of the improved harbor; 12 feet can be carried to Brown's Mills, at Irondale, 3¼ miles above; beyond these mills the natural low-water channel has a navigable depth of not less than 10 feet for a distance of 2 miles further, thence 8 feet for a distance of 1 mile, and thence gradually diminishing to a depth of 7 feet at the entrance to Lake Calumet. The connection between the latter and the river is through a narrow channel about 2,000 feet long, varying in depth from 4 to 6 feet. From the point at which this channel enters the lake the general depth on a straight line to Pullman is from 5 to 6 feet.

Throughout the limits of our survey the bed of river and lake presents no well defined boundary, but is bordered by extensive marshes, over which the water is generally several inches deep.

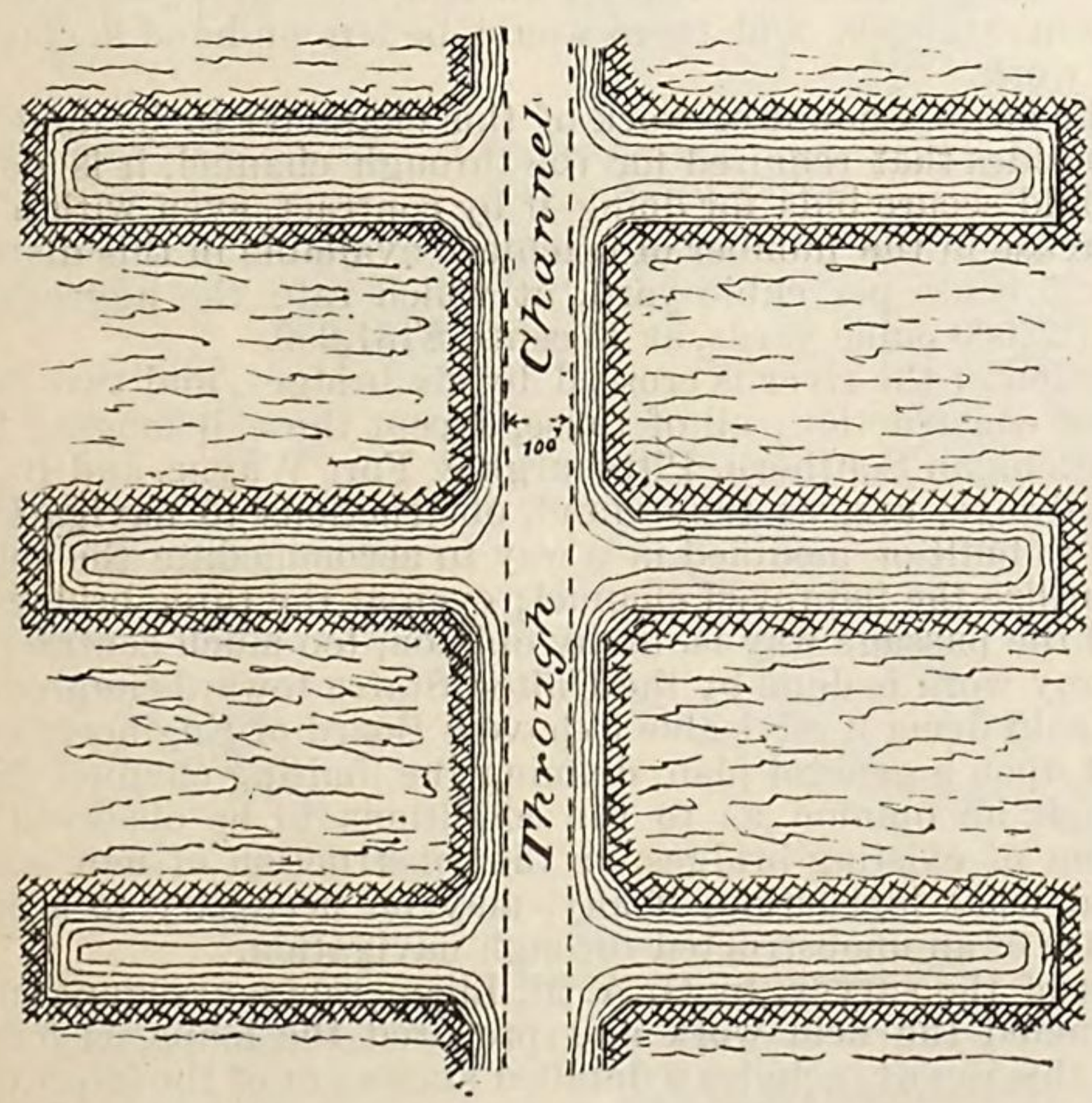
The great trunk lines of railway (including the Michigan Central, Illinois Central, Lake Shore and Michigan Southern, Pittsburgh and Fort Wayne, Baltimore and Ohio, Grand Trunk, Western Indiana, and others) centering in Chicago, and reaching to all points east, south, and west, cross these marshes between the village of Pullman and Calumet Harbor.

The marked advantages for commercial and manufacturing enterprise offered by the conditions above indicated will, with a continuation of the present activity and success in business, insure the occupation and improvement of every foot of land contiguous to the river and lake in the immediate future; indeed, work to that end has been in progress on a large scale for more than a year past, and a large amount of capital is invested in pushing it forward. A free and commodions water communication with Lake Michigan is an essential factor in these improvements, and the certainty that such communication will be established has had a controlling influence on all investments in this locality.

The Calumet River must be rectified and deepened to an extent that will make it navigable for the largest of lake craft. Whether the work should be undertaken by the United States Government is a matter for Congress to determine, but I would note that a vast commerce, including a heavy tonnage in iron, coal, and lumber, is already directly interested in its accomplishment, while it is likely that the difficulties of communication through the Chicago River, owing to its overcrowded condition, will develop an extensive traffic in grain and other bulky commodities at this locality. The moneyed interests involved may be mainly

local, but the advantage that will result from any considerable increase in the facilities for transfer between rail and lake communication in this vicinity will be as far-reaching as the general advantages of our lake commerce are felt; and, finally, a considerable revenue to the government, in excess of the cost of improvement, will result from the increased commerce and speedy development of industries that will surely attend the enlargement and perfection of the navigable capacity of the Calumet River.

If, now, the goverment should undertake the improvement of this river, its efforts should, in my opinion, be limited to the establishment and maintenance of a channel in the river bed (with cut-offs at the worst bends), to be used solely as a *through line* of water communication, and utilized at no point simply as a berth or dockage for vessels or other craft. To this end a dock-line should be established outside of the limits of the channel-way, such that vessels lying alongside would in no case encroach upon, nor be allowed to encroach upon, the *through* channel. The dredging necessary to enable vessels to lie at the docks should be done by the owner or occupant of the adjoining property, who is immediately interested in utilizing it, and who derives the benefit from it individually. In order to occupy the low marsh lands contiguous to the river, it will be necessary to raise them, and this will be done by excavating an extensive system of slips projecting into the marshes from the general channel of the river. Such is now the practice wherever any work is in progress. The effect would be to give a clear channel connecting a series of slips and docks, as indicated in the marginal sketch.



The estimated amount of dredging for a channel 100 feet wide, with a low-water depth of 15 feet, from Calumet Harbor to the entrance to Lake Calumet, is, in round numbers, 725,000 cubic yards; thence through the lake to the village of Pullman, 525,000 cubic yards; total, 1,250,000

cubic yards. A shorter and more direct line to Pullman would be to leave the river at Brown's Mill (Irondale), and make a direct cut in continuation of the slip indicated on the maps that are transmitted herewith. The total excavation by this route will be 850,000 cubic yards, of which, however, only 250,000 cubic yards would be in the river. The distance to Pullman by the first route is 9¼ miles, by the latter 5½ miles.

But the operations by the government should be confined to the river, in a way to benefit all interests, and not only a single enterprise; access by the river to property adjoining Hyde and Wolf lakes, as well as to Calumet, is needed, and it seems quite clear that our operations should have in view the construction of a main trunk line, from which special channels may be made in any direction by the parties interested in developing each particular locality.

Sketch No. 2 is attached to illustrate these features, and show the general relation which the main river bears to its branches and connecting lakes.

The best way to accomplish the work would be to build a dredging outfit adapted to the work in view, the special condition being that the excavated material may, without second handling, be deposited from the center of the channel to a position beyond the established dock-line, where it may then be utilized for filling up the marshes as desired.

The cost of two such machines complete, would be $50,000; the annual cost of operating them, including current repairs, $25,000; assuming that with this plant the channel would be completed up to Lake Calumet in three years (and it could be completed in less time), the total cost of operating would be $75,000, making the aggregate cost of the improvement $125,000, and there would be left on hand a good plant for future work.

With the large amount of work of this character to be done in this vicinity, besides that required for the through channel, it is not likely that we could secure bids for doing it by contract, even with a considerable increase in the number of machines available in this district, for less than 25 cents per cubic yard, at which rate the aggregate cost would be 725,000 cubic yards, at 25 cents, $181,250.

This section of the river is crossed by six bridges, and two more are in course of construction; all of these, except those belonging to Lake Shore & Michigan Southern, Pittsburgh & Fort Wayne, and Baltimore & Ohio railways, are, as they stand, obstructions to navigation, and should be re-built or modified in a way to accommodate the commerce that will utilize the improved channel; even at the three bridges above mentioned the passage way is, in my opinion, too much contracted.

Before any work is done by the United States towards improving the river, I should deem it advisable to have a Board of Engineers consider and report upon a general plan, defining the limiting channel and dock lines, submit an opinion as to the conditions to be observed in the modification of existing bridges, or the construction of new ones, and recommend what legislation, if any, may be necessary to secure the maintenance of an unobstructed through navigation.

A report of the survey, by G. A. M. Liljencrantz, assistant-engineer, who conducted the field work and prepared the maps, is forwarded herewith; this report includes a detailed statement of the improvements in progress and projected, and other statistics tending to show the growing demands for an enlarged channel for commerce.

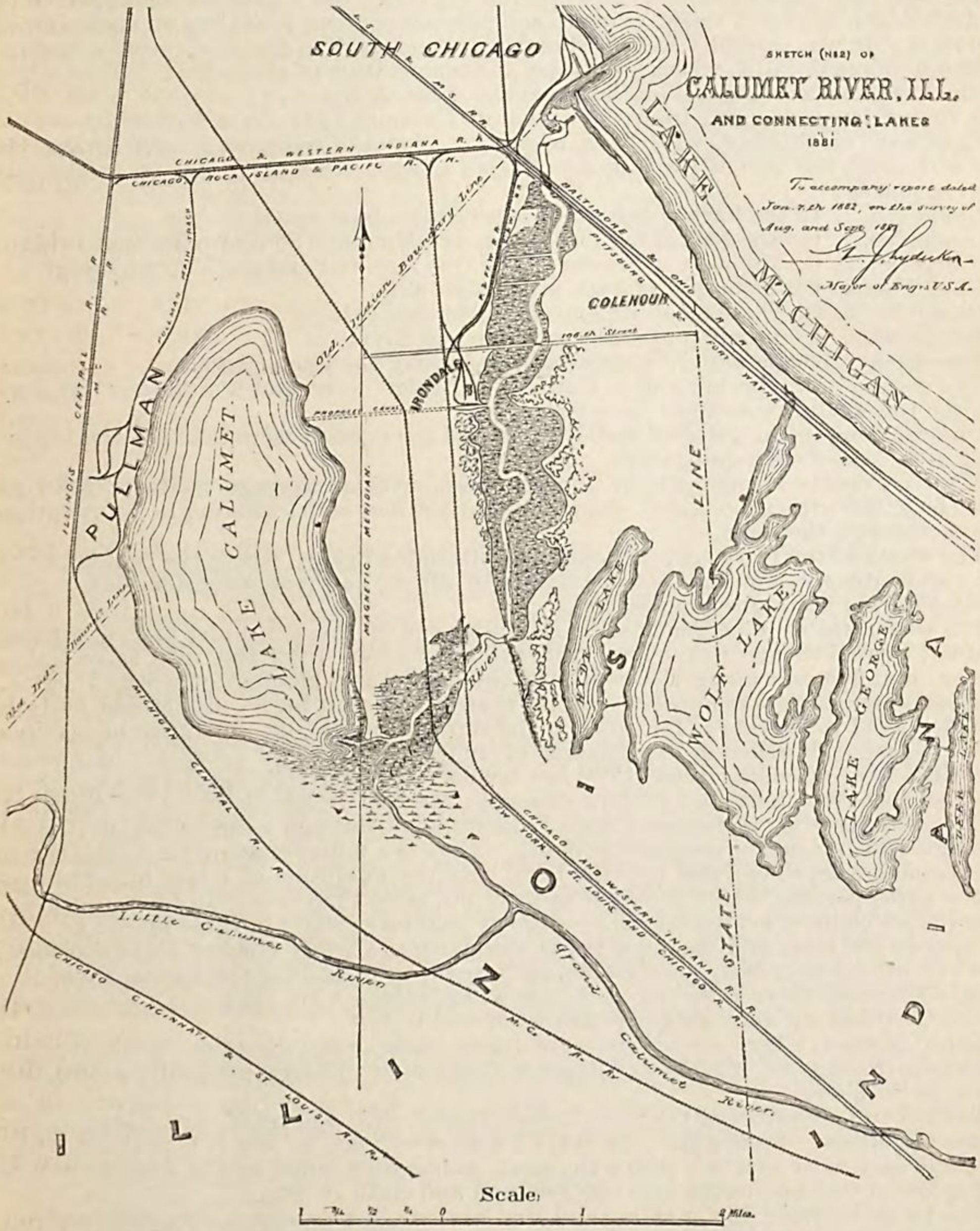
Two maps (tracings) are forwarded in a separate roll, viz: Sheet A, scale 1 inch = 1,000 feet, showing Calumet Lake, River, and Harbor, Hyde Lake, &c., &c. Sheet B, scale 1 inch = 150 feet, details show-

ing soundings in harbor and river up to Lake Calumet, limits of channel on which estimate is based, principal cuts off, &c., &c.

Very respectfully, your obedient servant,

G. J. LYDECKER,
Major of Engineers.

Brig. Gen. H. G WRIGHT,
Chief of Engineers, U. S. A.



REPORT OF MR. G. A. M. LILJENCRANTZ, ASSISTANT ENGINEER.

UNITED STATES ENGINEER OFFICE,
Chicago, Ill., December 13, 1881.

MAJOR: I have the honor to submit herewith a report of the survey of Calumet River, Ill., from South Chicago to the village of Pullman, at the northwest end of Lake Calumet, made in compliance with an act of Congress approved March 3, 1881.

Operations were commenced on the 11th of August, and completed September 20, 1881.

It had been expected to accomplish the work in a shorter space of time, but the general inaccessibility of the shores from the navigable channel, and other topographical features of this locality, as well as loss of time by unfavorable weather, and by an accident to the transit instrument, &c., tended to delay the progress of the work.

It was found necessary to erect triangulation stations to a height of 10 feet above the ground on account of the slight elevation of the shores above the water level, and of the high growth of weeds in intermediate marshes.

Sounding stations were marked by 16 feet long stakes placed in pairs on either side of the channel, and their location determined by observations from the triangulation stations.

The base line was chosen between the Pittsburgh and Fort Wayne and the Lake Shore and Michigan Southern railway tracks, and extending about 1,000 feet on each side of the river. It was carefully measured on the rails of each of the said railway tracks, which here run parallel, with a steel tape, at a temperature of about 70° F. The length of the base line (marked GH on the map) was 2,064.42 feet.

A line of levels was run from the harbor to Calumet Lake, by aid of which water gauges were established, with their respective planes of reference in the horizontal plane through the zero of the Calumet Harbor gauge. They were put up in the following places:

Gauge No. 1. In the harbor near the United States boat-house.
Gauge No. 2. On the dock at the Lake Shore and Michigan Southern Railway bridge.
Gauge No. 3. On the west abutment of the One hundred and sixth street bridge.
Gauge No. 4. On inner end of dock in Irondale slip.
Gauge No. 5. On the west abutment of Chittenden Bridge.
Gauge No. 6. At junction of Calumet Lake and River.

Permanent "bench-marks" were established along the line of levels.

The gauges in the harbor and at Chittenden Bridge were read five times a day during the times when soundings were taken.

Observations on the velocity and directions of the current were taken at the beginning and close of each day's work.

The river consists practically of a broad marsh, with an average width of 2,000 to 3,000 feet, and with a navigable channel about 150 feet wide, winding in a serpentine course through the same.

The width of the marsh is contracted at Chittenden Bridge, where the channel runs for a short distance through meadow lands, of which, however, a considerable part is flooded during the high-water season.

The soundings were commenced at the outer end of the south pier in the Calumet Harbor, carried thence up the river and extended about 1,000 feet into Lake Calumet, a total distance along the center of the deep-water channel of nearly 7 miles. The soundings show a channel of not less than 12 feet (but for a considerable portion as much as 14 to 15 feet) as far up as to the slip at Irondale, or a distance of 3 miles and 1,000 feet. Further up is a channel of 10 feet, or more, for a distance of 2 miles and 1,000 feet, extending about 1,000 feet beyond Chittenden Bridge, thence an 8-foot channel 3,600 feet long and a 7-foot channel 2,300 feet in length, or to the so-called fork, where the river is connected with Lake Calumet through a somewhat contracted passage, which is rather irregular in depth. Here is a 6-foot channel for a distance of 600 feet and a depth of 5 feet into the lake, with the exception of a few hundred feet of the upper portion, which has some spots of not more than from 3 to 4 feet of water. The 10-foot channel is interrupted by slightly shallower water in three places, as may be seen on the map, and the same is the case with the 8-foot channel in two places. There is otherwise a clear channel, uninterrupted by bars, from the harbor up to the fork. The main river above the fork, where soundings were taken for a distance of about 1,000 feet up, shows a good channel of 8 to 10 feet.

Lake Calumet, where soundings were taken under your direction by the undersigned, in November, 1878, has an average depth of 5½ to 6 feet, gradually decreasing towards the shore.

The general character of the river bottom is sand with a cover of mud wherever the water is shallow. Stones and clay were found occasionally, and it is probable that layers of clay exist as a rule below the sand, as has been found by the dredges working between One hundredth and One hundred and sixth streets.

The limits between the marshes and dry land are in most cases very indefinite, on account of the very slight slope of the ground. This is more particularly the case in the neighborhood of Calumet Lake, where it was very difficult to select firm and accessible ground on which to establish triangulation stations; hence triangles could not be secured here as favorable as desired.

The current in the river was very variable, both in regard to direction and velocity. It was found to be governed to a great extent by the prevailing winds; a southerly or southeasterly wind causing a rapid current down stream, or into Lake Michigan, and a northerly or northwesterly a current in the opposite direction. The down-stream current is, however, the prevailing one.

The observations were taken at points wherever the work of the sounding party commenced or closed for the day, and consequently at channel sections of different dimensions. The greatest velocity obtained down stream was 75 feet per minute; the smallest was, no current; average of all down-stream velocities was 26.3 feet per minute.

The greatest up-stream velocity was 9.1 feet per minute.

The river in the limits of the survey is at present crossed by six swing bridges, viz:

One wagon-road bridge at Ninty fifth street.

Three railroad bridges, for the Baltimore and Ohio Railway, the Lake Shore and Michigan Southern Railway, and the Pittsburg and Fort Wayne Railway.

One wagon-road bridge at One hundred and sixth street, and one wagon-road at Chittenden Bridge, about 5¼ miles from the Calumet Harbor.

Two railroad bridges are being built above this place; one where the Chicago and Western Indiana Railway crosses the river, and the other at the crossing of the New York, Saint Louis and Chicago Railway, 6 miles from the harbor.

These two roads are in process of construction. Piles have been driven for both the bridges. The construction of an additional wagon bridge at One hundredth street is contemplated, bnt not as yet definitely decided upon.

Arrivals and clearances in the Calumet Harbor during the season, as kindly furnished by the special deputy collector, J. W. Hill, of Chicago, are:

	Arrivals.		Clearances.	
	Number.	Tonnage.	Number.	Tonnage.
Steam	105	89, 157	90	78, 259
Sail	290	92, 355	300	84, 104
Totals	395	181 512	390	162, 363

The traffic up the river during past season is shown by following approximately correct figures, furnished by Mr. C. McLennan, engineer of Hyde Park Village:

One hundred vessels passed beyond One hundred and sixth street bridge to Irondale; fifty vessels passed beyond Chittenden street bridge to Hammond; twenty-eight vessels passed beyond Chittenden street bridge to Riverdale; besides a number of scows, dredges, and pile-drivers for the different works up the river.

Hammond is a village on the "Grand Calumet" River, with pork packing and rendering establishments, several ice-houses, &c. The village of Riverdale, with some prominent lumber yards, ice-houses, &c., is located on the "Little Calumet" River. The junction of these two rivers, forming the "Calumet River", is about 1¼ miles above the fork, before spoken of.

The real estate adjoining the river banks has in later years increased considerably in value, and various improvements have been made in the interest of manufacture and commerce, by way of building mills and factories, docks and slips, filling up marshes for creating additional land, &c. Other enterprises are contemplated.

The village of South Chicago, at the mouth of Calumet River, with a population of 1,961, according to census of 1881, has grown very rapidly, owing largely to the improvements of the Calumet Harbor by the United States Government, for which has been appropriated by acts of Congress up to date the amount of $327,000. The first appropriation of $50,000 was made July 11, 1870. The most prominent enterprises here are:

The "North Chicago Rolling Mill Company's" works, on the shore of Lake Michigan, and north of the harbor entrance. These works are built for the manufacture of pig iron and Bessemer steel rails, and when quite complete are expected to yield an annual production of 200,000 tons of pig metal and 170,000 tons of Bessemer steel rails.

For the manufacture of the above will be required:

350,000 tons of iron ore.
250,000 tons of fuel (coal and coke.)
120,000 tons of limestone.
15,000 tons of spiegeleisen.
3,000 tons of quartz.

About the following part of the above amounts must be brought by water during the season of navigation:

350,000 tons of iron ore.
50,000 tons of coal.
30,000 tons of limestone.
3,000 tons of quartz.

The entire amount to be handled on the property, counting the hauling of raw materials and finished products, is estimated at 4,000 tons per diem. The company has built a slip 100 feet wide by 1,000 feet long in a northerly direction from the harbor.

Next westward along the river is the Langdon, Richardson & Co.'s coal yard, with exceptional facilities for a time and labor-saving handling of their coal. Over 16,000 tons were here received during the months of August, September, and October last.

Adjoining this coal yard is the Getty, Blanchard & Co.'s lumber yard, with about 620 feet of dock frontage.

The firm received during the season a total amount of 10,000,000 feet, board measure, of lumber of different grades and dimensions.

Next in order comes A. R. Beck & Co.'s lumber yard (formerly South Chicago Lumber Company). Fifty-seven cargoes were received during the season up to December 5, and following amounts had in that time been handled by sales:

11,000,000 feet, board measure, lumber.
3,146,000 shingles.
2,600,000 lath.

The business is principally local.

At G. B. Hannah's lumber yard, seventeen cargoes were received, containing:

1,566,939 feet, board measure, lumber.
843,000 shingles.
343,000 lath.

The "Duffy Tool Company" is located near the Ninety-fifth street bridge.

On the corner of Ninety-fifth street and Escanaba avenue is the "Robert Atchison's Perforated Metal Company," with foundry and machinery for the manufacture of perforated metal for screens, &c., and of mantels and grates.

The business is valued at about $50,000 per annum. The pig-iron and sheet-metal used is brought from Ohio.

Besides the above mentioned, there are a number of other mills, factories, and business firms, &c., in the village, which, being either of less importance or located at some distance from the river, have not been regarded as requiring a special mention in this report.

The village has also post-office, bank, telegraph, and express offices, schools, churches, stores, &c.

On the south side of the river, and west of the old outlet, is a tract of land which, from want of dockage to protect it against the actions of current and sea, has decreased considerably in area, to the detriment of the navigable channel, which has been reduced accordingly both in width and depth.

Great improvements are, however, here projected; and operations are confidently expected to commence in 1882, though bargains have not as yet been definitely closed.

The general plan is the location of a number of the most prominent eastern coal companies, which propose to build docks and slips, and erect the best possible machinery and appliances for transferring their coal from the loaded vessels to railroad cars, which, on numerous local tracks, will be connected with the main lines of the Chicago Belt Railroad, west of the river, by tracks along Ninety-fifth street.

The "Anglo-American Dock Company" of Brooklyn, N. Y., are also negotiating for dock property here, for the building of coal vessels.

On the west side of the river, and between the Pittsburgh & Fort Wayne Railway in the north, and One hundred and sixth street in the south, considerable work of improvement has been done and is still progressing. The following enterprises will be found on this side of the river going southward:

The "Chicago Car-Axle Company," manufacturing locomotives and car axles, engine and mill shaftings, shape-work, &c. The firm employs about 100 hands. Business is estimated at about $400,000 per annum. About 500 tons of scrap is handled per month.

The "Willard Sons and Bell's Forge Works" are of the same character as the preceding, viz, car axles, mill, and boat shafting, &c. Their buildings have been erected quite recently, and their works moved down from Chicago. A slip is being constructed, 50 feet by 1,400 feet, to connect their works with the river. About 15,000 tons of iron are handled at their works per annum, for which is used 10,000 to 15,000 tons of coal, brought by water. The company's annual business is estimated at about $600,000, and is still to be greatly enlarged. They employ 400 hands.

The "Washington Ice Company" have commenced the construction of a basin, about 40 acres in area, by removing the vegetation and enclosing it by an earth dam. Its southerly limit is on One hundredth street.

Between One hundredth and One hundred and sixth streets, the "South Chicago Dock Company" are making extensive improvements, consisting in docking the west bank of the river channel, in the construction of four slips (two of which are now completed), with an aggregate dock frontage of about 14,600 linear feet of railroad tracks between the slips, and of a system of switch and side tracks along the westerly limit of this tract

On the east side of the river, opposite Washington Ice Company's basin, are "Shedd

& Company's" ice houses, with a capacity of 20,000 tons of ice. Two thousand feet further south is Cohn's ice house, originally designed for a rolling mill; it is a structure of large dimensions but at present not used. East of these ice houses, and north of One hundred and sixth street, is the village of Colehour. This is a small place consisting principally of dwellings, and is of no present commercial importance, having only a few small factories, supplying the local demands. It has, however, a post office, two public schools, churches, &c. The Lake Shore & Michigan Southern, the Baltimore & Ohio, and the Pittsburgh & Fort Wayne railroads pass through the village, and have depots here. The population, according to census of 1880, was 1,098.

South of One hundred and sixth street, and west of the river, is the village of Irondale, with the "Calumet Iron and Steel Companies'" (formerly the J. H. Brown's Iron and Steel Co.) grounds and works for the manufacture of pig metal, merchant bar iron and nails. The extent of business done here is represented by the following list of materials used per annum:

Iron ore (by water from Escanaba)	50,000 tons.
Coal (mostly from Indiana)	65,000 tons.
Coke (from Pittsburgh, Pa.)	40,000 tons.
Limestone (by water)	25,000 tons.
Pig iron (by water)	10,000 tons.
Miscellaneous freight (by water)	20,000 tons.

The annual production is:

Pig iron	40,000 tons.
Bar iron	30,000 tons.
Nails	300,000 kegs.

The capacity of the works is to be greatly increased during the coming season.

The village is as yet in its infancy, with a population, according to census of 1880, of 926, mostly employés at the mill. There is a fourth class post-office, a few stores, and small hotels. The Pittsburgh, Fort Wayne & Chicago, and Western Indiana railroads run through the place, and are by side tracks connected with the steel works. A slip has been made in a westerly direction from the river, at the south limit of the mill property for receiving cargoes by water. Its projected dimensions are 100 feet wide by 1,400 feet long, but docking is as yet only made on the north side of the slip for a distance of about 1,000 feet.

It is proposed to build by extending this slip westward, a ship-canal by which to make a short and direct connection between the river and Lake Calumet, opposite Pullman.

No further manufacturing enterprises are as yet established further up the river, within the limits of this survey.

On the southwest end of Lake Calumet is J. P. Smith's ice house. This was burned down on the 10th of August last, but is being rebuilt; its capacity is 45,000 tons of ice.

On the northwesterly shore of Lake Calumet is the lately organized, but rapidly progressing village of Pullman, located on the property of the "Pullman Land Association" (the work of actual construction commenced May 25, 1880).

This is quite an ideal town, there being probably nothing of the kind like it on the continent. Only stone and brick buildings are made, and these of the best kind, both in regard to quality and architectural taste. The village has its own gas and water works, and an excellent system of sewerage. It is designed for a manufacturing town, and works of immense proportions are already established and in active operation. (All the machinery in town receive their power from the great Centennial Corliss engine, rated at 2,500 horse power.)

The names and extent of business of the most prominent of the works are—

1. The "Pullman Palace Car Company." The estimated annual revenue for this company is reported as follows:

Building of 313 coaches, at $5,500	$1,721,500
Building of 7,125 freight cars, at $550	4,303,750
Rentals from dwellings, water, and sewage	250,000
Railroad earnings	40,000
20,000,000 bricks	200,000
27,000,000 gas	54,000
Total annual revenue	6,569,250

2. The "Allen Paper Car Wheel Company" is expected to manufacture, during the ensuing year, 20,000 paper car wheels valued at $1,400,000.

3. "Union Foundry" and "Pullman Palace Car Wheel Company."

The foundry, when completed, will employ about 450 men and turn out 160 tons of iron per day. The machine and blacksmith shops will employ about 300 men, and the work expected to be done here is valued at $400,000 per annum.

4. "Chicago Steel Horseshoe Company" is also an enterprise of some magnitude, but the extent of their business has not been ascertained.

The "Pullman Land Association" owns about 3,000 acres of land, along the west shore of Lake Calumet, and its business is to build houses and public buildings for the mechanics connected with the various industries. About $200,000 have already been expended, and it is the purpose of the association to expend about $1,000,000 during the ensuing year.

The Illinois Central and the Michigan Central railroads run through the heart of the village, where they have passenger and freight depots.

The Pullman main track connects the various works with the South Chicago Branch of the Chicago, Rock Island and Pacific Railway, which runs east and west at the northerly limit of the present town, and parallel with the South Chicago Branch of the Western Indiana Railway.

For a lengthy description of this place, I would respectfully refer to an interesting illustrated article, published in No. 107, vol. 9, of the "Western Manufacturer."

Details of grounds and buildings and data indicating the extent and character of the enterprises referred to in this report, have been kindly furnished by the respective officials.

Very respectfully, your obedient servant,

G. A. M. LILJENCRANTZ,
Assistant Engineer.

Maj. G. J. LYDECKER,
Corps of Engineers, U. S. A.

LETTER OF MAJOR G. J. LYDECKER, CORPS OF ENGINEERS.

UNITED STATES ENGINEER OFFICE,
CHICAGO, ILL., *January* 13, 1882.

GENERAL: My report on the survey of the Calumet River, dated January 7, 1882, is forwarded to-day, having been withheld pending the completion of maps, and I am so impressed with the importance of fixing, by timely legislation, the conditions that should be observed if the United States undertakes the work of improving this river, as to venture the suggestion that, if any appropriation be made, such part of the bill as relates to this work may read somewhat as follows:

> For improving the Calumet River, Illinois, from its mouth to the fork at Lake Calumet, $—: *Provided*, That all expenditures for this purpose shall be limited to perfecting and maintaining a channel for *through* navigation, adapted to the passage of the largest vessels navigating the northern and northwestern lakes; that before any work be done, the limiting lines of channel to be improved by the United States, and of docks that may be constructed by private individuals, corporations or other parties, shall have been clearly defined under the directions of the Chief of Engineers, United States Army, with the approval of the honorable Secretary of War, who, is requested, to report what legislation, if any, is needed to prevent encroachments being made or maintained within the limits of the channel designed as aforesaid.

I am aware that such course is unusual, but so are the conditions with which we have to deal in the present case. The improved channel will become a passage-way, bordered by an extensive and continuous system of docks and slips, just as the Chicago River with its branches now is; and, in order to avoid the continual blockades to which commerce is here liable, the work should be started on a proper basis. It would become a subject of lasting trouble and regret if the mistakes made in opening up the Chicago River to commerce should be repeated on the Calumet.

So long as the government assumes the responsibility of making and maintaining the improvement, it should see that its value is not impaired. To prevent parties from willfully encroaching upon or obstructing the channel-way, some provision should be made by which the offender may be subjected to a summary penalty, without the annoyance and loss of time incident to judicial proceedings under the general law.

It would seem that the better way to reach such cases would be to authorize the Secretary of War to promulgate such regulations as are necessary to keep the channel open, and provide by law a suitable penalty for their violation, as in the case of violation of the navigation rules; for example, a penalty of $100, or even $50, for each offense, to be levied by the officer in charge of the improvement, the United States commissioner, or other designated officer, and make the penalty a lien on the offending craft, with authority to proceed against her as in libel in the United States district courts.

The purpose of this letter, however, is not to recommend what the penalty shall be, but to urge the passage of such a law as will provide a certain and efficient one.

Very respectfully, your obedient servant,

G. J. LYDECKER,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 78.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In further compliance with Senate resolution of December 12, 1881, *the remainder of the correspondence touching the desired modification of the Clayton-Bulwer treaty.*

JANUARY 27, 1882.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

In further answer to the resolution of the Senate of December 12, 1881, I herewith transmit the remainder of the correspondence touching the desired modification of the Clayton-Bulwer treaty. The dispatch of the Secretary of State of November 29, 1881, was not sent to the Senate with the former dispatches, because at that time no advice had been received that its contents had been communicated to the British Government.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 27, 1882.

List of inclosures.

1. Mr. Hoppin to Mr. Blaine. No. 218. London, November 11, 1881 (with inclosure).
2. Mr. Blaine to Mr. Lowell. No. 281. Washington, November 29, 1881.
3. Mr. Lowell to Mr. Blaine. No. 266. London, December 15, 1881.
4. Mr. Lowell to Mr. Blaine. No. 277. London, December 27, 1881.

No. 1.

Mr. Hoppin to Mr. Blaine.

No. 218.] LEGATION OF THE UNITED STATES,
London, November 11, 1881. (Received November 26, 1881.)

SIR: Referring to your instructions No. 187, of the 24th of June last, and No. 188, of the 25th of June last, to Mr. Lowell, in relation to the proposed guarantee by European powers of the neutrality of the projected canal across the Isthmus of Panama, I have the honor to acquaint you that Mr. Lowell, agreeably to the suggestion in No. 187, left a copy

of that instruction at the foreign office on the 12th of July last. I have to-day received a letter from Lord Granville in reply to that instruction, and I beg to inclose a copy of the same herewith.

I have, &c.,

W. J. HOPPIN.

[Inclosure with No. 1.]

Lord Granville to Mr. Hoppin.

FOREIGN OFFICE, *November* 10, 1881.

SIR: You are doubtless aware that Mr. Lowell left with this department on the 12th of July last a copy of a dispatch which had been addressed to him by Mr. Blaine on the 24th of June, in which the Secretary of State calls attention to the right and duty which are imposed on the United States Government under the treaty signed in 1846 between the United States of America and the Republic of New Granada, now known as the United States of Colombia, to guarantee the neutrality of the interoceanic canal which is projected across the Isthmus of Panama. Mr. Blaine further points out the special interest which the United States have in the preservation of this neutrality, and in preventing the use of the canal in a manner detrimental to themselves during any war in which the United States or Colombia might be a party.

But the point on which especial stress is laid in this dispatch is the objection entertained by the Government of the United States to any concerted action of the European powers for the purpose of guaranteeing the neutrality of the canal or determining the conditions of its use.

I have now the honor to state to you that although some time has elapsed since the views of the United States Government on this question were communicated to Her Majesty's Government, they have not failed in the meanwhile to bestow upon it all the consideration to which the importance of the subject gives it every claim, and if it has not received an earlier recognition the delay has been mainly caused by the suspense which so long existed as to the termination of the sad tragedy of the 2d of July.

Her Majesty's Government have noted with satisfaction the statement made by Mr. Blaine that there is no intention on the part of the Government of the United States to initiate any discussion upon this subject, and in the same spirit I do not now propose to enter into a detailed argument in reply to Mr. Blaine's observations.

I should wish, therefore, merely to point out to you that the position of Great Britain and the United States with reference to the canal, irrespective of the magnitude of the commercial relations of the former power with countries to and from which, if completed, it will form the highway, is determined by the engagements entered into by them, respectively, in the convention which was signed at Washington on the 19th day of April, 1850, commonly known as the Clayton-Bulwer treaty, and Her Majesty's Government rely with confidence upon the observance of all the engagements of that treaty.

I have, &c.,

GRANVILLE.

No. 2.

Mr. Blaine to Mr. Lowell.

No. 281.] DEPARTMENT OF STATE,
Washington, November 29, 1881.

SIR: One week after mailing my instruction to you, on the 19th instant, touching the presentation to Her Majesty's Government of a proposal for the modification of the convention between the two countries of April 19, 1850, better known as the Clayton-Bulwer treaty, I received Mr. Hoppin's No. 218, of the 11th instant, communicating the response of Lord Granville to my circular note of the 24th of June last, in relation to the neutrality of any canal across the Isthmus of Panama. I regret that Mr. Hoppin should not have advised me by telegraph of the purport of his lordship's reply, as it would have enabled me to present

the arguments of my dispatch of the 19th instant in a more specific form, as meeting a positive issue, rather than as generally dealing with a subject, which for thirty years has been regarded in but one light by the public opinion of the United States. It seems proper now, however, in reply to his lordship's note of November 10, to give a summary of the historical objections to the Clayton-Bulwer treaty, and the very decided differences of opinion between the two governments to which its interpretation has given rise.

I need hardly point out to you the well-known circumstance that, even at the time of the conclusion of the Clayton-Bulwer treaty, a very considerable opposition was shown thereto on the part of the far-sighted men in public life who correctly estimated the complications which the uncertain terms of that compact might occasion. It was ably contended in Congress that its provisions did not, even then, suffice to meet the real points at issue with respect to the guarantee of the neutrality of the whole American isthmus on bases comporting with the national interests of the United States, and the differences of interpretation became soon after so marked as to warrant the extreme proposal of Her Majesty's Government to refer them to the arbitration of a friendly power.

The justice of those doubts became still more evident six years later, when the pretensions put forth by Her Majesty's Government toward territorial protection, if not absolute control, of portions of Nicaragua and of the outlying Bay Islands brought up the precise question of how far the provisions of the Clayton-Bulwer contract operated to restrain the projected movement, and thereupon the interpretations respectively put upon that instrument by the United States and Great Britain were perceived to be in open conflict. The attempt made in the Clarendon-Dallas treaty, which was negotiated on the 17th of October, 1856, to reconcile these opposing contentions and place the absolute and independent sovereignty of Nicaragua over its territory on an unmistakable footing, so far as the United States and Great Britain were concerned, failed to be completed by reason of the rejection by Her Majesty's Government of an amendment introduced by the Senate into the Clarendon-Dallas project. From that time onward the inability of the two governments to agree upon a common interpretation of the letter and spirit of the Clayton-Bulwer treaty may be accepted as a historical fact.

In the discussions between the two governments which attended the failure of the Clarendon-Dallas treaty the attitude of the United States with respect to the Clayton-Bulwer treaty was amply defined. As early as the 12th of March, 1857, I find that General Cass, then Secretary of State, in the course of a conference with Lord Napier, Her Majesty's representative,

> Passed some reflections on the Clayton-Bulwer treaty; he had voted for it, and in doing so he believed that it abrogated all intervention on the part of England in the Central American territory. The British Government had put a different construction on the treaty, and he regretted the vote he had given in its favor. (Dispatch of Lord Napier to the Earl of Clarendon, March 12, 1857.

On the 6th of May, 1857, President Buchanan, in an audience given to Lord Napier, and in response to his lordship's suggestion that if the attempted adjustment of the difference between the governments as to the Clarendon-Dallas treaty should fail, the Clayton-Bulwer treaty remained to fall back upon, characterized that instrument in much stronger terms than General Cass had done. To quote Lord Napier's words:

> The President denounced the Clayton-Bulwer treaty as one which had been fraught with misunderstanding and mischief from the beginning. It was concluded under

the most opposite constructions by the contracting parties. If the Senate had imagined that it could obtain the interpretation placed upon it by Great Britain it would not have passed. If he had been in the Senate at the time that treaty never would have been sanctioned. (Dispatch of Lord Napier to the Earl of Clarendon, May 6, 1857.)

These views are more explicitly and formally repeated in a note addressed by Secretary Cass to Lord Napier on the 29th of May, 1857. He says:

> The Clayton-Bulwer treaty, concluded in the hope that it would put an end to the differences which had arisen between the United States and Great Britain concerning Central American affairs, had been rendered inoperative in some of its most essential provisions by the different constructions which had been reciprocally given to it by the parties. And little is hazarded in saying that, had the interpretation since put upon the treaty by the British Government, and yet maintained, been anticipated, it would not have been negotiated under the instructions of any Executive of the United States nor ratified by the branch of the government intrusted with the power of ratification

The publicity of these statements, and the strong feeling which then prevailed in all quarters that the Clayton-Bulwer convention was inadequate to reconcile the opposite views of Great Britain and the United States towards Central America, led to a very decided conviction that the treaty should be abrogated. Lord Napier reflected this growing impression when, on the 22d of June, 1857, he wrote to Lord Clarendon that—

> It is probable that if the pending discussions regarding Central America be not closed during the present summer, an attempt will be made in the next session of Congress to set aside the Clayton-Bulwer treaty. * * * There can be no doubt of the views of the President and Cabinet on this matter.

Before this tendency could, however, find its expression in any official act, a movement on the part of Her Majesty's Government placed the whole matter in a new aspect. Sir William Gore Ouseley was sent out, October 30, 1857, as a special minister, with the double purpose of concluding with the Central American States, and especially with Guatemala and Honduras, settlements of the questions relative to the Bay Islands, the Mosquito territory, and the boundaries of British Honduras, and also of visiting Washington on the way, and conferring with the Secretary of State of the United States for the purpose of ascertaining the views of his government, and establishing "a perfect understanding with the United States upon the points respecting which differences have hitherto existed between the two countries."

Among these differences was now superadded to the territorial question of Mosquito and the islands, the very question which to-day most concerns us, the question of interoceanic communication, which had for some time been the occasion of correspondence between General Cass and Lord Napier, and in relation to which General Cass wrote, on the 20th of October, 1857, as follows:

> I have thus endeavored to meet the frank suggestions of your lordship by restating with corresponding frankness the general policy of the United States with respect to the governments and the interoceanic transits of Central America. But since your lordship has referred to the Clayton-Bulwer treaty of 1850, as contemplating a "harmonious course of action and counsel between the contracting parties in the settlement of Central American interests," you will pardon me for reminding your lordship that the differences which this treaty was intended to adjust between the United States and Great Britain still remain unsettled, while the treaty itself has become the subject of new and embarrassing complications.

Prior to the arrival of Sir William Ouseley in the United States Lord Napier held an important interview with President Buchanan on the 19th of October, 1857, with the object of obtaining "further elucidation

of the opinions of the President with reference to the adjustment of the Clayton-Bulwer treaty." On that occasion Lord Napier declared that he believed it the intention of Her Majesty's Government, in Sir William Ouseley's mission, "to carry the Clayton-Bulwer treaty into execution according to the general tenor of the interpretation put upon it by the United States; but to do so by separate negotiation with the Central American Republics, in lieu of a direct engagement with the Federal Government," and asked that, pending the negotiation intrusted to Sir William Ouseley, "no proposal to annul the [Clayton-Bulwer] treaty would be sanctioned or encouraged" by the President or the members of the United States Government. To this the President cheerfully consented, and promised to modify the statements in his annual message to Congress accordingly and under no circumstances to countenance any attempt against the Clayton-Bulwer treaty in Congress.

Matters being in this state, with Sir William Ouseley's mission announced, and the benevolently expectant attitude of the United States toward it assured, Lord Napier, on the 28th of October, 1857, in conference with General Cass, brought up contingently, as a discarded alternative of his government, a former proposal to refer the disputed questions to arbitration.

The general remarked in reply [says Lord Napier, writing to the Earl of Clarendon]:

> That he did not repudiate the principle of arbitration on all occasions; he had invoked it, and would do so again where it seemed justly applicable, but that in this matter it was declined by the American Government for the following reasons: The language of the treaty was so clear, that in his opinion there ought not to be two opinions about it. * * * Then it was a mere question of the interpretation of the English language, and he held that a foreign government was not so competent to decide in such a question as the United States and England, who possessed that language in common.

The Earl of Clarendon, in reply, approved of Lord Napier's course in broaching anew the suggestions of arbitration, and authorized him to renew formally in writing the offer to refer the disputed questions arising out of the interpretations of the Clayton-Bulwer treaty to the decision of any European power (instruction of November 13, 1857), and this was accordingly done by Lord Napier in a note to General Cass dated November 30, 1857.

In his annual message to Congress in December, 1857, President Buchanan, after narrating the negotiation and failure of the Clarendon-Dallas treaty, said:

> The fact is, that when two nations like Great Britain and the United States, mutually desirous as they are, and I trust ever may be, of maintaining the most friendly relations with each other, have unfortunately concluded a treaty which they understand in senses directly opposite, the wisest course is to abrogate such a treaty by mutual consent and to commence anew. * * * Whilst entertaining these sentiments, I shall nevertheless not refuse to contribute to any reasonable adjustment of the Central American questions which is not practically inconsistent with the American interpretation of the treaty. Overtures for this purpose have been recently made by the British Government in a friendly spirit, which I cordially reciprocate.

Meanwhile the Earl of Clarendon had instructed Sir William Ouseley, under date of November 19, 1857, "not to commit Her Majesty's Government to any course whatever in respect to the Bay Islands till the intentions of the Congress of the United States in regard to the treaty of 1850 are clearly ascertained."

The situation, then, at the close of 1857 presented a triple dead-lock.

The United States had agreed not to move toward the abrogation of the treaty until it could be seen what interpretation of its provisions would result from Sir William Ouseley's mission. Sir William had re-

ceived positive instructions not to move until the United States should decide whether to abrogate the treaty or not, and Lord Napier was forbidden to move until the United States should make formal answer to the proposal for arbitration. The instructions of Lord Clarendon to Lord Napier, January 22, 1858, contained these words:

> We are decidedly of opinion that it would neither be consistent with our dignity or our interest to make any proposal to the United States Government until we have received a formal answer to our formal offer of arbitration. In event of the offer being refused, it will be a great and hardly justifiable proof of the spirit of conciliation by which we are animated if we then show ourselves disposed to abrogate the Clayton-Bulwer treaty; but we must not be in too great haste.

In order, apparently, to break this dead-lock, Lord Napier wrote to General Cass, February 17, 1858, that—

> Something in the nature of an alternative was thus offered to the American Cabinet. Should the expedient of arbitration be adopted a great portion of Sir William Ouseley's duty would be transferred to other agencies. Should arbitration be declined, it was hoped that the efforts of Her Majesty's envoy would result in a settlement agreeable to the United States, inasmuch as in essential points it would carry the treaty of 1850 into operation in a manner practically conformable to the American interpretation of that instrument.

On the 10th of March, 1858, the Earl of Malmesbury, who had succeeded Lord Clarendon in the foreign office, instructed Lord Napier that until an answer was returned to the proposal for arbitration "no further steps can be taken by Her Majesty's Government with that of the United States in regard to that matter"; and, further, that—

> When this point is cleared up, Her Majesty's Government, supposing that the Government of the United States decline arbitration, will have to determine whether they should originate a proposal for the abrogation of the Clayton-Bulwer treaty or adopt any other course which the circumstances at the moment may seem to recommend.

It appears, however, that the proposal to abrogate the treaty which Lord Malmesbury reserved the right to originate had already been communicated to the Government of the United States by Lord Napier, under instructions from Lord Clarendon. In a dispatch dated March 22, 1858, Lord Napier wrote:

> The Earl of Clarendon authorized me to inform General Cass that Her Majesty's Government would not decline the consideration of a proposal for the abrogation of the treaty by mutual concert. * * * I have accordingly, on two occasions, informed General Cass that if the Government of the United States be still of the same mind, and continue to desire the abrogation of the treaty of 1850, it would be agreeable to Her Majesty's Government that they should insert a proposal to that effect in their reply to my note respecting arbitration.

Lord Napier further reports in detail the conversations had with General Cass as to the most proper method of effecting such abrogation, if agreed to.

In reply to this dispatch of Lord Napier, the Earl of Malmesbury instructed him, April 8, 1858, that his action was approved, and that he should confine himself to pressing for an answer to his proposal for arbitration. His lordship added these significant words:

> Her Majesty's Government, if the initiative is still left to them by the unwillingness of the United States themselves to propose abrogation, desire to retain full liberty as to the manner and form in which any such proposal shall be laid on their behalf before the Cabinet at Washington. * * * The Clayton-Bulwer treaty has been a source of unceasing embarrassment to this country, and Her Majesty's Government, if they should be so fortunate as to extricate themselves from the difficulties which have resulted from it, will not involve themselves, directly or indirectly, in any similar difficulties for the future.

The answer of General Cass to Lord Napier's several proposals was, briefly, to the effect that pending the results expected from Sir William

Ouseley's mission to the Central American States the United States could not adopt the alternative of arbitration, "even if it had not been twice rejected before," and, that, if

> The President does not hasten to consider now the alternative of repealing the treaty of 1850, it is because he does not wish prematurely to anticipate the failure of Sir William Ouseley's mission, and is disposed to give a new proof to Her Majesty's Government of his sincere desire to preserve the amicable relations which now happily subsist between the two countries. (General Cass to Lord Napier, April 6, 1858.)

In this posture of affairs the Earl of Malmesbury instructed Sir William Ouseley to open direct negotiations with the Central American States, and on the 18th of August instructed Lord Napier to inform the Government of the United States of the intentions and object of Her Majesty's Government in the premises. His lordship added:

> Modification, arbitration, and abrogation of the Clayton-Bulwer treaty have been *flatly rejected* [the italics are my own]. Great Britain and Nicaragua are now about to treat as independent States.

I have emphasized the phrase "flatly rejected" in view of a subsequent instruction of the Earl of Malmesbury to Lord Napier on the 8th of December, 1858, wherein he said:

> I think you would have done better if you had not too pointedly brought before the United States Government the notion that the British Government might view with favor a proposal to abrogate the Clayton-Bulwer treaty.

It is not difficult, in following this narrative, to discern that General Cass, though not desiring to express it, had an additional motive for declining at that particular time to propose the abrogation of the Clayton-Bulwer treaty. He did not desire by such proposed abrogation to indicate his willingness that Sir William Gore Ouseley should make treaties with the separate States of Central America, unrestrained by the clauses of the Clayton-Bulwer treaty, inhibiting the extension of British power in that region. General Cass, with his accustomed caution and wisdom, clearly perceived that for the United States to propose abrogation on the very eve of Sir William Ouseley's mission would lead to injurious inferences, and would imply conclusions which the United States was not prepared to admit.

Objectionable as General Cass thought the Clayton-Bulwer treaty, he thought it was better than giving the implied consent of this government that Great Britain should obtain such treaties as the force of her power might secure in Central America.

The subsequent note of Lord Malmesbury, not strained by an uncharitable construction, throws additional light on the subject, and confirms the wisdom of General Cass in declining to propose abrogation at that time. And, besides, General Cass evidently desired to retain those very clauses of the Clayton-Bulwer treaty to which, in my dispatch of the 19th, I proposed on the part of this government to adhere.

I have dwelt with somewhat of detail on this particular historic episode, partly because it admirably illustrates the spirit with which both governments have regarded the Clayton-Bulwer treaty from the first, and partly because it had more direct bearing on the question of the guarantee of any isthmian transit than any other discussion of the time. In perusing the voluminous correspondence, unprinted as well as that printed and submitted at the time to Congress and to Parliament, I am more than ever struck by the elastic character of the Clayton-Bulwer treaty, and the admirable purpose it has served as an ultimate recourse on the part of either government to check apprehended designs in Central America on the part of the other; although all the while it was

frankly admitted on both sides that the engagements of the treaty were misunderstandingly entered into, imperfectly comprehended, contradictorily interpreted, and mutually vexatious.

I am, as I must confess, strengthened in this impression by the circumstance that, in his response to my dispatch of the 24th of June last, Earl Granville takes the ground that the position of Great Britain and the United States toward the projected Panama Canal is determined by the Clayton-Bulwer treaty. It does not seem likely to become a subject for discussion how far the engagements of that compact in reality extend to the Isthmus of Panama under the provisions of Article VIII thereof, in the same precise sense in which they extend to the projected Nicaraguan transit.

For it will be observed that this article does not stretch the guarantees and restrictions of Article I over either the Tehauntepec route through Mexican territory, or the Panama route through Colombian territory. It is in terms an agreement to extend the protection of both countries, by treaty stipulations, to those or any other practicable waterways or railways, from ocean to ocean, across the isthmus, outside of Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America. So far as this inchoate agreement to hereafter agree is applicable to the Panama transit, I have amply shown, in my No. 270 of the 19th instant, that the obligations embraced on the part of the United States in concluding the prior convention with the Republic of New Granada (now Colombia) in 1846 require that the United States should be freed from unequal and unequitable obligations to Great Britain under the vague and, as yet, unperfected compact of 1850.

My main object in writing this instruction has been to strengthen your hands in any discussion which may now ensue as to the benefits of the Clayton-Bulwer treaty, and the mutual interest of the two countries in conserving it as the basis of a settlement of all disputes between them touching Central American and isthmian questions. It will be seen that, from the time of its conclusion in 1850 until the end of 1858, its provisions were thrice made the basis of a proposal to arbitrate as to their meaning, that modification and abrogation have been alike contingently considered, and that its vexatious and imperfect character has been repeatedly recognized on both sides. The present proposal of this government is to free it from those embarrassing features, and leave it as its framers intended it should be, a full and perfect settlement, for all time, of all possible issues between the United States and Great Britain with regard to Central America.

If in your conferences with Earl Granville it should seem necessary, you will make free use of the precedents I have cited, and should you, within the discretionary limits confided at the end of my number 270, have given a copy thereof to His Lordship, you are equally at liberty to let him have a copy of this also, with the same explanation that it is for your use, and not written as a formal note for communication to Her Majesty's Government.

I am, sir, your obedient servant,

JAMES G. BLAINE.

No. 3.

Mr. Lowell to Mr. Blaine.

No. 266.] LEGATION OF THE UNITED STATES,
London, December 15, 1881. (Received December 29.)

SIR: I have the honor to acquaint you that on the 13th instant I had an interview with Lord Granville at the foreign office, and communicated to him the substance of your instruction No. 270, of the 19th ultimo. I then, at his request, read it to him, beginning, however, with the concluding paragraph, for obvious reasons. At his desire I left a copy with him.

I though it wiser, in a matter of so much moment, that he should receive the views of the President as they were conveyed in the dispatch, rather than, perhaps, to weaken their force by communicating them in my own manner, as I was authorized by you to do.

Lord Granville listened with great attention, and merely said that he should reserve his answer.

I have, &c.,

J. R. LOWELL.

No. 4.

Mr. Lowell to Mr. Blaine.

No. 277.] LEGATION OF THE UNITED STATES.
London, December 27, 1881. (Received January 9.)

SIR: I have the honor to report that so soon as I received your insruction No. 281, the 29th ultimo, I addressed a private note to Lord Granville informing him of the fact, and asking him when it would be convenient for him to favor me with an interview. In his reply he asked me if I could come to see him at Walmer, where he was detained by the hospitalities of the Christmas season. Thinking it important that he should see the dispatch as soon as possible, because it was so nearly related to your No. 270, I accordingly went down to Walmer on the 23d instant. I there read the dispatch to him, and at his desire left a copy of it with him. I did not think it prudent or proper to enter upon any discussion with Lord Granville upon the general topics of the dispatch, but as some of the newspapers here had criticised it as untimely, I thought it not out of place to remind him that the policy of the United States had already been clearly indicated in a message to Congress by President Hayes, and more strongly reiterated in the same public manner by President Garfield.

Lord Granville was, as usual, exceedingly courteous and friendly, but made no remark except that the publication of No. 270, before an opportunity was given him of replying to it, "seemed, to him, to say the least, unusual."

I have, &c.,

J. R. LOWELL.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. 78, Part 2.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Report of the Secretary of State, with accompanying papers, in further response to Senate resolution of December 12, 1881, *respecting the Clayton-Bulwer treaty.*

FEBRUARY 17, 1882.—Read and referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 12th of December, 1881, respecting the Clayton-Bulwer treaty, I transmit herewith a further report by the Secretary of State, accompanied by copies of papers, on the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 17, 1882.

In further response to the resolution of the Senate of December 12, 1881, requesting the President to communicate to that body, if in his opinion not incompatible with the public interest, the instructions sent to our minister in London in regard to the modification of the Clayton-Bulwer treaty, the Secretary of State has the honor to lay before the President two notes addressed by Earl Granville to Her Britannic Majesty's representative in the United States, dated, respectively, the 7th and 14th of January last.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

The PRESIDENT.

Earl Granville to Mr. West.

FOREIGN OFFICE, *January* 7, 1882.

SIR: In my dispatch of the 13th ultimo I informed you that the United States minister at this court had communicated to me the substance of a dispatch which he had received from Mr. Blaine, then Secretary of

State, on the subject of the convention of the 19th April, 1850. Finding that Mr. Lowell was authorized to give me a copy of this dispatch if I wished it, I requested him to do so, and I have already forwarded to you a copy for your information.

Her Majesty's Government have given their careful consideration to the views set forth in this paper. They entirely agree in the statement made towards its conclusion as to the cordial relations so happily existing between the two countries, and as to the opportunity which this state of things affords for a frank exposition of the views held by either government without risk of misconstruction. They have no hesitation, therefore, in proceeding to examine the grounds advanced by Mr. Blaine for desiring a modification of the convention.

The principles upon which the whole argument of the dispatch is founded are, as far as I am aware, novel in international law. If a discussion of the subject on the abstract grounds of public right were deemed useful or opportune, it would not be difficult to quote passages from publicists of acknowledged authority in both countries in support of this opinion. But for several reasons it will be better to treat the matter from the side of the practical consideration which it involves, without, of course, being precluded from reverting at any future stage, in case of need, to its other aspect.

Her Majesty's Government cannot admit that the analogy which it is sought to draw from the conduct of Great Britain in regard to the Suez Canal is correct or justified by the facts. They have made no attempt to fortify the Island of Cyprus, or to establish it as an armed position on an important scale, though they have an undoubted right to do so. The fortress of Gibraltar, the Island of Malta, and the military establishment at Aden came into the possession of England at a date long anterior to the time when the Mediterranean and the Red Sea could be regarded as a military route to India. For years afterwards the whole mass of reinforcements for India was sent by way of the Cape of Good Hope. Nor has any serious addition been made to the strength of these positions since the opening of the canal beyond what has been a natural consequence of the improvements in military science. Although no doubt well adapted by its situation to command the Straits of Bab-el-Mandeb, the Island of Perim has not in any real sense been made a fortified position. The fort and garrison on the island are, in fact, sufficient only to protect the light-house, which has been erected there for the general benefit of navigation from possible attack by predatory Arabs.

The Navy Department of the United States must be well aware that Her Majesty's Government have never sought to bar or even to restrict the use of the canal by the naval forces of other countries, and that even during the recent war between Russia and Turkey, when the canal itself formed a portion of the territory of one of the belligerents, when the deadly conflict was close at hand, and when British interests might in many other respects have been nearly involved, they contented themselves with obtaining an assurance that the sphere of operations should not be extended to the canal.

Her Majesty's Government cordially concur in what is stated by Mr. Blaine as regards the unexampled development of the United States on the Pacific coast, and the capacity which they possess for further progress. That development has been watched in this country with admiration and interest, and will continue to be so regarded. But though in rapidity it may, and probably has, exceeded the most sanguine calculation, Her Majesty's Government cannot look upon it in the light of an unexpected event, or suppose that it was not within the view of the

statesmen who were parties on either side to the Clayton-Bulwer treaty. The declarations of President Monroe and of his cabinet, in 1823 and 1824, whatever may be the view taken of their scope and bearing, and of the admissibility of the principles which they involve, or which it is sought to deduce from them, show at least that at that period—twenty-six years anterior to the treaty now under discussion—there was a clear prevision of the great future reserved to the Pacific coast. It is, in the opinion of Her Majesty's Government, an inadmissible contention, that the regular and successful operation of causes so evident at the time, and in their nature so irrepressible, should be held to have completely altered the condition of affairs to the extent of vitiating the foundations of an agreement which cannot be supposed to have been concluded without careful thought and deliberation.

While recognizing to the fullest degree the extent to which the United States must feel interested in any canal which may be constructed across the Isthmus of Panama, Her Majesty's Government would be wanting in regard to their duty if they failed to point out that Great Britain has large colonial possessions no less than great commercial interests, which render any means of unobstructed and rapid access from the Atlantic to the North and South Pacific Oceans a matter for her also of the greatest importance.

The development of these possessions and interests has steadily continued, possibly with less rapidity, but on a scale which has some relation even to that of the Pacific States. Her Majesty's Government do not wish to ignore the share which other nations have acquired in the commerce of Central and South America, nor to exclude from consideration the interest of those countries in any canal which may be made across the isthmus. They are of opinion that such a canal as the waterway between two great oceans and between all Europe and Eastern Asia is a work which concerns not merely the United States or the American Continent, but the whole civilized world. This is a view which finds its expression in the VIth article of the treaty of 1850. Her Majesty's Government are as anxious as that of the United States that while all nations should enjoy their proper share in the benefits to be expected from the undertaking, no single country should acquire a predominating influence or control over such a means of communication; and they will not oppose or decline any discussion for the purpose of securing on a general international basis its universal and unrestricted use.

With all deference to the considerations which have prompted *the proposals made in Mr. Blaine's dispatch*, Her Majesty's Government cannot believe that they would promote this object or be beneficial in themselves. The relations of the United States with the European powers are fortunately of a nature to give rise to no feelings of suspicion or alarm. The general tendency of their foreign policy gives good promise that they will so continue. But if provision is to be made on one side for a different state of affairs, it must be expected that the course thus indicated will find its natural and logical counterpart on the other. Her Majesty's Government can conceive no more melancholy spectacle than a competition among the nations holding West Indian possessions, and others on the Central and South American Continent, in the construction of fortifications to obtain the command over the canal and its approaches, in the event of occasion arising for such a measure. They cannot believe that it would be agreeable or convenient to any South American state through which the canal may pass to find itself called upon to admit a foreign power to construct and garrison on its territory a succession of fortresses of increasing magnitude, designed to oppose such

attempts, even though that foreign power be a neighboring one, and situated upon the same continent. And when the claim to do this is accompanied by a declaration that the United States will always insist on treating the water-way which shall unite the two oceans "as part of her coast line," it is difficult to imagine that the states to which the territory lying between that water-way and the United States belongs can practically retain as independent a position as that which they now enjoy.

These are the consequences which, in the conviction of Her Majesty's Government, would almost certainly follow from a claim on the part of the United States to assume the supreme authority over the canal and all responsibility for its control. Her Majesty's Government hold, on the contrary, that the principles which guided the negotiators of the convention of 1850 were intrinsically sound, and continue to be applicable to the present state of affairs. Their wish would be that those principles should receive the practical development which was contemplated at the time; and that effect should be given to that portion of the treaty which provides that the contracting parties shall invite all other states with whom they have friendly intercourse to enter into similar stipulations with them.

A certain amount of progress was made in this direction by the conclusion of conventions with Honduras and Nicaragua by Great Britain in 1856 and 1860, and by the United States in 1864 and 1867, and by Nicaragua with France in 1859, with the object of upholding the general principles inserted in the treaty. During the period when there were still matters to regulate with respect to Grey Town, the Bay Islands, the frontier of British Honduras, and the protection of the Mosquito Indians, and when the construction of a canal still seemed a contingency more or less doubtful and remote, it was not strange that the engagement to address other powers should have been allowed to remain dormant; but the project of the canal has now assumed sufficient shape to render such an application reasonable and pertinent.

Her Majesty's Government believe that the extension of an invitation to all maritime states to participate in an agreement based on the stipulations of the convention of 1850 would obviate any objection that may possibly be raised against it as not being adequate in its present condition for the purpose for which it was designed. This course formed the basis of Mr. Fish's proposal to Dr. Cardenas, the Nicaraguan minister, in 1867; and Her Majesty's Government would gladly see the United States again take the initiative in an invitation to the powers, and will be prepared either to join it or to support and indorse it in the way that may be found most fitting and convenient, provided it does not in any way conflict with the Clayton-Bulwer treaty.

You are authorized to read this dispatch to the Secretary of State, and to give him a copy of it if he should desire it.

I am, &c.,

GRANVILLE.

The honorable LIONEL S. S. WEST.

Earl Granville to Mr. West.

FOREIGN OFFICE, *January* 14, 1882.

SIR: In my dispatch of the 31st ultimo, I have forwarded to you a copy of a dispatch from Mr. Blaine to the United States minister at

this court, containing further observations in support of his arguments and proposal for a modification of the treaty between this country and the United States of the 19th of April, 1850. In this dispatch Mr. Blaine gives extracts from the correspondence which passed between the two governments between 1856 and 1858, in consequence of questions that arose as to the construction to be placed on certain provisions of the treaty. Mr. Blaine seeks to establish from these extracts that "the vexatious and imperfect character of the treaty has been repeatedly recognized on both sides;" and, he adds, that the present proposal of the United States Government "is to free it from those embarrassing features, and to leave it, as its framers intended it should be, a full and perfect settlement, for all time, of all possible issues between the United States and Great Britain with regard to Central America."

The correspondence in question was laid before Parliament in 1860, and the principal papers included in it have also been published in Hertslet's State Papers.* A reference to the context of the passages quoted by Mr. Blaine will be necessary in order to appreciate the character which Mr. Blaine has attributed to them.

In cases where the details of an international agreement have given rise to difficulties and discussions to such an extent as to cause the contracting parties, at one time, to contemplate its abrogation or modification as one of several possible alternatives, and where it has yet been found preferable to arrive at a solution as to those details rather than to sacrifice the general basis of the engagement, it must surely be allowed that such a fact, far from being an argument against that engagement, is an argument distinctly in its favor. It is equally plain that either of the contracting parties which had abandoned its own contention for the purpose of preserving the agreement in its entirety would have reason to complain if the differences which had been settled by its concession were afterwards urged as a reason for essentially modifying those other provisions which it had made this sacrifice to maintain. That both these arguments apply in the present instance, a brief review of the correspondence will, I think, suffice to show.

The treaty of 1850 was concluded (as is declared in the VIIIth Article with the desire "not only to accomplish a particular object, but also to establish a general principle," in regard to the protection, by treaty stipulations, of any practical communications, whether by canal or railway, across the isthmus which connects North and South America.

The preamble and 1st article of the treaty run as follows:

> Her Britannic Majesty and the United States of America, being desirous of consolidating the relations of amity which so hapily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship-canal, which may be constructed between the Atlantic and Pacific Oceans, by the way of the river St. Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean; * * *
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> ART. I. The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has, or may have, to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Musquito coast, or any part of Central America, or of assuming or exercising dominion over the same. Nor will Great Britain or the United States take advantage of any

* Vol. xl, p. 953; xli, p. 757; xlii, p. 153; xlvi, p. 214; xlvii, p. 661; xlviii, p. 630; l, p. 126.

intimacy, or use any alliance, connection, or influence that either may possess with any state or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the subjects or citizens of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered, on the same terms, to the subjects or citizens of the other.

Soon after the signature of the treaty various discussions arose as to the interpretation to be put upon those clauses which debarred either of the contracting parties from occupying, fortifying or colonizing, or assuming or exercising any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, &c. Great Britain being at the time in possession of Ruatan and other islands off the coast of Honduras, and having a protectorate over the Mosquito Indians located on the coast of Nicaragua, a lengthened correspondence arose as to the effect to be given to the treaty in this respect, and also as to the boundary of British Honduras. A treaty was eventually signed by Lord Clarendon and Mr. Dallas, for the settlement of the various questions at issue, on the 17th October, 1856; but this agreement was not received with favor by the United States Senate, and the incoming government of President Buchanan, who had acceded to office in March, 1857, declined to confirm it without certain modifications. To these the British Government proposed further amendments, which were not at that time deemed acceptable by that of the United States, and the treaty was never formally ratified.

To show how far this part of the discussion belonged in some of its features to a state of affairs that is now past, one of the objections taken by General Cass to the treaty in its last amended form was that it involved a recognition by the United States of a treaty between Great Britain and Honduras for the cession of the Bay Islands to the latter country, in which it was stipulated that slavery should not at any time be permitted to exist there. General Cass stated that "a treaty with such a provision would never be recognized by a United States Senate." (Lord Napier to Lord Clarendon, May 3, 1857.)

I now proceed to examine some of the extracts given in Mr. Blaine's dispatch.

The first paper quoted is one from Lord Napier to the Earl of Clarendon, dated the 12th March, 1857.

The only passage quoted is as follows:

> General Cass then passed some reflections on the Clayton-Bulwer treaty; he had voted for it, and, in doing so, he believed that it abrogated all intervention on the part of England in the Central American territory. The British Government had put a different construction on the treaty, and he regretted the vote he had given in its favor.

But the dispatch goes on to say:

> He did not, however, pretend that the British Government should now unconditionally abandon the Mosquitos, with whom they had relations of an ancient date; it was just, and consistent with the practice of the United States, that those Indians should be secured in the separate possession of lands, the sale of which should be prohibited, and in the enjoyment of rights and franchises, though in a condition of dependency and protection. The British Government had already removed one impediment to the execution of the Bulwer-Clayton treaty, by the cession of their claims on Ruatan; two difficulties now remained—the frontier of Belize, and delimitation and settlement of the Mosquito tribe. If the frontier could be defined, and if the Mosquitos could be placed in the enjoyment of their territory by treaty between Great Britain and Nicaragua, in which the concessions and guarantees of the latter in favor of the Indians should be associated with the recognition of the sovereignty of Nicaragua—so I understood the general—*then the Bulwer-Clayton treaty might be a permanent and satisfactory settlement between the contracting parties;* the United States desiring nothing else than a absolute and entire neutrality and independence of the Central American region, free from the exercise of any exclusive influence or ascendancy whatever.

The next quotation is from another dispatch of Lord Napier, dated the 6th May, 1857, and the passage given runs thus:

The President denounced the Clayton-Bulwer treaty as one which had been fraught with misunderstanding and mischief from the beginning; it was concluded under the most opposite constructions by the contracting parties. If the Senate had imagined that it could obtain the interpretation placed upon it by Great Britain, it would not have passed. If he had been in the Senate at the time, that treaty never would have been sanctioned.

But President Buchanan went on to say:

With reference to arbitration (which Lord Napier had only thrown in as a suggestion of his own), he could not give any opinion at present. The President also inveighed against the excess of treaties, affirming that they were more frequently the cause of quarrel than of harmony, and that, if it were not for the interoceanic communications, he did not see there was any necessity for a treaty respecting Central America at all.

It seems, therefore, that the President's condemnation of the Clayton-Bulwer treaty was principally founded on the construction placed upon it by Great Britain at the time, and was also in some measure explained by his objections to treaties in general, but that he admitted that the question of the interoceanic connection made such an agreement necessary.

Mr. Blaine then quotes a note from Mr. Cass to Lord Napier, of the 29th May, 1857, as follows:

The Clayton-Bulwer treaty, concluded in the hope that it would put an end to the differences which had arisen between the United States and Great Britain, concerning Central American affairs, had been rendered inoperative in some of its most essential provisions by the different constructions which had been reciprocally given to it by the parties. And little is hazarded in saying that, had the interpretation since put put upon the treaty by the British Government, and yet maintained, been anticipated, it would not have been negotiated under the instructions of any Executive of the United States, nor ratified by the branch of the government intrusted with the power of ratification.

But how does General Cass continue? He goes on to say:

A protracted discussion, in which the subject was exhausted, failed to reconcile the conflicting views of the parties; and, as a last resort, a negotiation was opened for the purpose of forming a supplementary treaty which should remove, if practicable, the difficulties in the way of their mutual good understanding, and leave unnecessary any further discussion of the controverted provisions of the Clayton-Bulwer treaty. It was to effect this object that the Government of the United States agreed to open the negotiation which terminated in the treaty of the 17th October, 1856, and though the provisions of that instrument, even with the amendments proposed by the Senate, were not wholly unobjectionable either to that body or to the President, still, *so important did they consider a satisfactory arrangement of this complicated subject*, that they yielded their objections, and sanctioned, by their act of ratification, the convention as amended. It was then transmitted to London for the consideration of Her Britannic Majesty's Government, and, having failed to meet its approbation, has been returned unratified. The parties are thus thrown back upon the Bulwer-Clayton treaty, with its disputed phraseology and its conflicting interpretations; and, after the lapse of seven years, not one of the objects connected with the political condition of Central America, which the United States had hoped to obtain by the arrangement, has been accomplished.

It was not, therefore, to the principles or basis of the arrangement (the importance of which was fully recognized), but to the unfortunate phraseology of a single portion of the treaty, that objection was taken.

Mr. Blaine then refers to Sir W. Gore Ouseley's missions, the object of which was to settle the points at issue in a manner practically satisfactory to the United States, by independent negotiations with the Central American States, after first communicating with the government

at Washington. Mr. Blaine quotes a passage from a letter of General Cass to Lord Napier, of the 20th October, 1857, as follows:

> I have thus endeavored to meet the frank suggestions of your lordship by restating, with corresponding frankness, the general policy of the United States with respect to the governments and the interoceanic transits of Central America; but since your lordship has referred to the Clayton-Bulwer treaty of 1850, as contemplating a "harmonious course of action and counsel between the contracting parties in the settlement of the Central American interests," you will pardon me for reminding your lordship that the differences which this treaty was intended to adjust between the United States and Great Britain still remain unsettled, while the treaty itself has become the subject of new and embarrassing complications.

It will be useful to refer to the previous portion of this note to show what was the statement of the "general policy of the United States" thus referred to, and how far that policy corresponds with Mr. Blaine's present proposals. The note begins thus:

> I have the honor to receive your lordship's communication of the 9th instant, in reference to the existing relations between Nicaragua and Costa Rica, and have submitted it to the consideration of the President.
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> These relations have attracted the earnest attention of the President, not only from the importance of the San Juan transit to the commerce of the world, but from the interest which is naturally felt by the United States in the neighboring republics of this continent. The President has witnessed, therefore, the restoration of peace to Nicaragua and Costa Rica, with the highest gratification; and he sincerely hopes that it may not again be interrupted, either by the calamity of civil war or the invasion of their territory from other countries. Their security and welfare would undoubtedly be promoted by a just and friendly settlement between them of their mutual boundaries and jurisdiction; and I need hardly add, that such an adjustment would be viewed with satisfaction by the United States. This government, however, has never admitted the pretensions of Costa Rica to an equal control with Nicaragua, of the San Juan River, but has regarded the sovereignty of the river, and consequently of the interoceanic transit by that route, as rightfully belonging to the republic of Nicaragua.
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> A similar view of the question appears to have been recognized by Great Britain; and, whatever may be the rights of Costa Rica with respect to the free passage of her own products by the river to the ocean, it is better, probably, that what has been thus acquiesced in, and has led, moreover, to important contracts and responsibilities, should not now be disturbed. But under any circumstances the commercial nations of the world can never permit the interoceanic passages of the isthmus to be rendered useless for all the great purposes which belong to them, in consequence of the neglect or incapacity of the States through whose territories they happen to run. *The United States, as I have before had occasion to assure your lordship, demand no exclusive privileges in these passages*, but will always exert their influence to secure their free and unrestricted benefits, both in peace and war, to the commerce of the world.

And in a later note to Lord Napier, of the 8th November, 1858, General Cass states with still greater clearness the object with which the treaty was concluded, and the grounds on which the difference between the two governments had arisen. He says:

> Since the announcement by your lordship, in October, 1857, of Sir William Ouseley's special mission, the President has awaited, not so much any new proposition for the adjustment of the Central American questions as the statement in detail, which he had been led to expect, of the method by which Sir William Ouseley was to carry into effect the previous proposition of the British Government. To make this plain, your Lordship will pardon me for making a brief reference to what has occurred between the two governments in respect to Central America since the ratification of the Clayton-Bulwer treaty of 1850.
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> While the declared object of that convention had reference to the construction of a ship-canal by the way of San Juan and the Lakes of Nicaragua and Managua, from the Atlantic to the Pacific Oceans, *yet it avowed none the less plainly a general principle in reference to all practicable communications across the isthmus, and laid down a distinct policy by which the practical operation of this principle was likely to be kept free from all embarrassment. The principle was, that the interoceanic routes should remain under the sovereignty of the States through which they ran, and should be neutral and free to all nations alike. The policy was that, in order to prevent any government outside of those States from obtaining undue control or influence over those interoceanic transits, no such nation should erect or maintain any fortifications commanding the same, or in the vicinity thereof, or should "occupy, or fortify, or colonize, or assume, or exercise, any dominion over Nicaragua, Costa*

Rica, the Mosquito coast, or any part of Central America." So far as the United States and Great Britain were concerned, those stipulations were expressed in unmistakable terms; and, in reference to other nations, it was declared that the "contracting parties in this convention engage to invite every State with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other."

At that time the United States had no possessions whatever in Central America, and exercised no dominion there. In respect to this government, therefore, the provisions of Article I of the treaty could operate only as a restriction for the future; but Great Britain was in the actual exercise of dominion over nearly the whole eastern coast of that country, and, in relation to her, this article had a present as well as a prospective operation. She was to abandon the occupancy which she already had in Central America, and was neither to make acquisitions, or erect fortifications, or exercise dominion there in the future. In other words, she was to place herself in the same position with respect to possessions and dominion in Central America which was to be occupied by the United States, and which both of the contracting parties to the treaty engaged that they would endeavor to induce other nations to occupy.

This was the treaty as it was understood and consented to by the United States, and this is the treaty as it is still understood by this government.

He then recapitulates the discussions and abortive negotiations which had ensued in consequence of the different interpretations put upon the treaty by the two governments; and, after criticising and expressing disappointment at the last communication made to him by Lord Napier, he concludes:

It is of no small consequence either to the United States or Great Britain that these Central American controversies between the two countries should be forever closed. On some points of them, and, I have been led to hope, on the general policy which ought to apply to the whole Isthmian region, they have reached a common ground of agreement. The neutrality of the interoceanic routes, and their freedom from the superior and controlling influence of any one government; the principles upon which the Mosquito protectorate may be arranged, with justice alike to the sovereignty of Nicaragua and the Indian tribes; the surrender of the Bay Islands, under certain stipulations for the benefit of trade and the protection of their British occupants; and the definition of the boundaries of British Belize; about all these points there is no apparent disagreement, except as to the conditions which shall be annexed to the Bay Islands' surrender, and as to the limits which shall be fixed to the settlements of Belize. Is it possible that, if approached in a spirit of conciliation and good feeling, these two points of difference are not susceptible of a friendly adjustment? To believe this would be to underestimate the importance of the adjustment, and the intelligent appreciation of this importance which must be entertained by both nations. What the United States want in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it. This is equally the desire of Great Britain, of France, and of the whole commercial world. If the principles and policy of the Clayton-Bulwer treaty are carried into effect, this object is accomplished. When, therefore, Lord Malmesbury invites new overtures from this government upon the idea that it has rejected the proposal embraced in Sir William Ouseley's mission for an adjustment of the Central American questions by separate treaties with Honduras, Nicaragua, and Guatemala, upon terms substantially according with the general tenor of the American interpretation of the treaty, I have to reply to his lordship that this very adjustment is all that the President has ever desired, and that instead of having rejected that proposal, he had expressed his cordial acceptance of it, so far as he understood it, and had anticipated from it the most gratifying consequences.

Further, in a dispatch to Mr. Lamar of July 25, 1858, subsequently communicated to Lord Malmesbury by Mr. Dallas, on the 29th April, 1859, General Cass says:

These great avenues of intercommunication are vastly interesting to all commercial powers, and all may well join in securing their freedom and use against those dangers to which they are exposed from aggressions or outrages, originating within or without the territories through which they pass.

It is difficult to conceive a more distinct statement of adherence to the general principles of the Clayton-Bulwer arrangement, or a more positive disclaimer of the policy involved in Mr. Blaine's present proposals, than is contained in the passages I have just quoted.

I return, however, to the extracts given in Mr. Blaine's dispatch. Mr. Blaine alludes to an important interview which Lord Napier had with President Buchanan on the 19th October, 1857, in which Lord Napier asked that pending the negotiation intrusted to Sir W. Gore Ouseley, no proposal to annul the Clayton-Bulwer treaty should be sanctioned or encouraged by the President or members of the United States Government. Lord Napier's account of the President's language is as follows:

> The President commenced his observations by referring to the Clayton-Bulwer treaty as a fruitful source of misunderstanding between the contracting parties. Without that treaty the United States and Great Britain might long since have cooperated for the welfare of Central America. That treaty had never been acceptable to the people of the United States, and would not have obtained a vote in the Senate had the least suspicion existed of the sense in which it was to be construed by Great Britain; yet, if it were now the intention of Her Majesty's Government to execute it according to the American interpretation, that was as much as we could insist upon.

And after reporting what passed at the interview with regard to the Bay Islands and Honduras, Lord Napier continued:

> I then went on to animadvert upon the danger of some movement in the approaching Congress which would interfere with the contemporary negotiation of Sir William Ouseley, remarking that should the President, in his message, allude to the position of the two countries in reference to Central America, and if, in consequence of his excellency's reflections, a resolution should be proposed for the abrogation of the Clayton-Bulwer treaty, such a step would not only frustrate the purposes of Sir William Ouseley's mission, but would have a calamitous influence on the future relations of England and America. It would, therefore, be highly gratifying to me to be enabled to assure your lordship that, pending the negotiation intrusted to Sir William Ouseley, no proposal to annul the treaty would be sanctioned or encouraged by his excellency or by the members of his government.
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> The President stated, in reply, that it was certainly his intention to give an account in his message of all that had passed between the two governments respecting the Dallas-Clarendon treaty. He appeared to intimate that the effect of such a narrative would be to place the conduct of Great Britain in an unfavorable light, and he added that the passage in which he commented upon these transactions was already prepared; but his excellency went on to affirm, with emphasis, that if the resolutions of Her Majesty's Government were such as I had related, if they really meant to execute the Clayton-Bulwer treaty according to the American interpretation, and would, before the meeting of Congress, make some communication to him in that sense, such as he could use, he would cancel what he had written and insert another passage referring to the mission of Sir William Ouseley, and that "nothing would give him greater pleasure than to add the expression of his sincere and ardent wish for the maintenance of friendly relations between the two countries."
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> His excellencyalso distinctly declared that, under the circumstances here described, no attempt against the Clayton-Bulwer treaty in Congress would have any countenance from him whatever. To him it was indifferent whether the concession contemplated by Her Majesty's Government were consigned to a direct engagement between England and the United States, or to treaties between the former and the Central American Republics; the latter method might, in some respects, be even more agreeable to him, and he thought it would be more convenient to Her Majesty's Government, who might, with greater facility, accede to the claims of the weaker party.

I pass over some passages given in Mr. Blaine's dispatch which seem to call for no remark, and I would only observe that the proposal for arbitration alluded to in Lord Napier's note to General Cass of February 17, 1858, applied only to the controverted points in the treaty, and not to the whole instrument.

Mr. Blaine refers to a conversation with General Cass, reported by Lord Napier in a dispatch of the 22d March, 1858, in which reference was made to the idea of an abrogation of the treaty. It may be well to give a larger extract of this dispatch, because, although Lord Napier's remarks were stated to be personal and unofficial, they show his view of the form which such an abrogation should take. He says:

> I have, accordingly, on two occasions, informed General Cass that, if the Government of the United States be still of the same mind, and continue to desire the abrot

gation of the treaty of 1850, it would be agreeable to Her Majesty's Government that they should insert a proposal to that effect in their reply to my note respecting arbitration, and to that in which I explained the character and motives of the mission intrusted to Her Majesty's commissioner in Central America.

Some conversation ensued regarding the manner in which the dissolution of the treaty should be effected, and the condition by which it might be accompanied, and on these topics I have held the following language, premising that the views expressed were altogether spontaneous and personal, for I had no information of the intentions of Her Majesty's Government beyond the bare fact that they would entertain a proposal to cancel the engagements of 1850 emanating from the United States.

I stated that, in my opinion, the treaty in question could only be repealed by a new treaty in the usual forms, and that it might be desirable that such a treaty should not be restricted to a single article annulling its predecessor. Both for considerations of decency and policy I advocated the insertion of stipulations involving an expression of a common policy in Central America, and the disavowal of any exclusive or monopolizing projects on either side. I said that I thought a treaty might be framed of three articles.

The first should declare the desire of the contracting parties to encourage and protect the organization of transit routes in the interoceanic region, and bind those parties never to negotiate for any rights or privileges of transit with the Central American States of a preferential or exclusive character, to which other nations might not, by negotiation, be equally admitted, establishing thus the principle of an equal enjoyment of those avenues of trade for all the countries of the world.

The second article might recognize the jurisdiction of the transit route by the San Juan River as being vested in the government of Nicaragua. This had been already avowed by the United States in a treaty negotiated with that Republic. It had not been definitely affirmed by Great Britain, and might seem to clash with the claims of the King of Mosquitia to territorial possession or authority in those parts. I thought, however, that in regard to the views lately expressed by Her Majesty's Government in the course of recent negotiations, in consideration of the necessity of obtaining a suitable treaty with Nicaragua, and for the purpose of placing themselves in harmony with the course pursued by the United States, Her Majesty's Government might, on this head, accede to an article which would practically restrict their protectorate in Mosquitia, and prevent the importation of any interference on their part with the territory traversed by the river, and, therefore, by the transit route.

Finally, I suggested that Article III of the treaty should simply declare the provisions of the treaty of 1850 to be void and of no effect. I added that the question of future territorial acquisition in Central America would thus be thrown open to the United States; that Her Majesty's Government, on the other hand, would retain the colony of Honduras in the proportions which might be given to it by treaty arrangements with Guatemala, and that the Bay Islands would remain attached to the British Crown. Indeed, I affirmed, still as a personal opinion, but of the most positive character, that in case of the dissolution of the Clayton-Bulwer treaty, the Bay Islands would not be relinquished by Her Majesty's Government. I felt bound to make this statement, having observed in some quarters an impression that Her Majesty's Government might be disposed not only to annul the treaty, thus opening a path for the eventual annexation of the isthmus to the Federal Union, but to give up the Bay Islands as well; a notion altogether unfounded in any intimation which has hitherto reached me from the Foreign Office, and which could not be reconciled, in my opinion, to the interests of England.

Lord Napier adds that he was most careful to remark throughout that the opinions he enunciated with reference to the treaty were exclusively his own.

Mr. Blaine gives only a very short extract from Lord Malmesbury's dispatch in reply of the 8th April, 1858. It will be desirable to quote it more at length. Lord Malmesbury says:

Her Majesty's Government, if the initiative is still left to them by the unwillingness of the United States themselves to propose abrogation, desire to retain full liberty as to the manner and form in which any such proposal shall be laid on their behalf before the Cabinet at Washington; but without pronouncing any decided opinion at the present moment, I think it right to point out to your lordship that the effect of such an article as that suggested in your dispatch, as the second, might be to perpetuate an entanglement with the government of the United States, and to place that government in a position to question or control the free action of Her Majesty's Government in everything that relates to Central America. The Clayton-Bulwer treaty has been a source of unceasing embarrassment to this country, and Her Majestey's Government, if they should be so fortunate as to extricate themselves from the difficul-

ties which have resulted from it, will not involve themselves, directly or indirectly in any similar difficulties for the future.

Her Majesty's Government would have no objection to enter with the United States into a self-denying engagement such as that suggested in your first article, by which both parties should renounce all exclusive advantage in the use of any of the interoceanic routes, and should bind themselves, each to the other, not to interfere with free transit. Such an article would be a suitable substitute for the Clayton-Bulwer treaty, for it would secure, as regards the contracting parties, the avowed object of that treaty—the freedom of interoceanic communication.

But beyond this Her Majesty's Government, as at present advised, are not prepared to contract any engagement as a substitute for the Clayton-Bulwer treaty, and from the abrogation of that compact, if it should take place, they will hold themselves as free to act in regard to Central America in the manner most conducive to the advancement of British interests and the fulfillment of British obligations as if the treaty had never been concluded.

Your lordship was, therefore, perfectly right in using decided language such as that reported in your dispatch respecting the Bay Islands; and whenever the subject of the abrogation of the Clayton-Bulwer treaty is mooted in your presence, you will make it perfectly clear to the Government of the United States that to abrogate the treaty is to return to the *status quo ante* its conclusion in 1850; that Her Majesty's Government have no kind of jealousy respecting American colonization in Central America, which, indeed, it would help to civilize; and that we neither ask nor wish for any exclusive privileges whatever in those regions.

These, then, were the terms upon which Her Majesty's Government were alone prepared, if at all, to consider the abrogation of the Clayton-Bulwer treaty. And such an alternative was deprecated by General Cass in a note to Lord Napier of the 6th April, 1858, in which, while declining the proposal of arbitration on the disputed points of the treaty, he alluded to a personal expression of opinion he had given in favor of an unconditional renunciation of the treaty, and called attention to the serious consequences which might result from its dissolution, if no provision were made at the same time for adjusting the questions which led to it. He then concluded with the passage quoted by Mr. Blaine, to the effect that "if the President does not hasten to consider now the alternative of repealing the treaty of 1850 it is because he does not wish prematurely to anticipate the failure of Sir William Ouseley's mission, and is disposed to give a new proof to Her Majesty's Government of his sincere desire to preserve the amicable relations which now happily subsist between the two countries."

But subsequent events make it unnecessary to dwell further upon this part of the discussion, for the question was settled by the practical accomplishment of that which the United States Government regarded as the most satisfactory conclusion.

It is here that the extracts and account of the negotiation given by Mr. Blaine come to an end at a point when the most important episode commences. The continuation of the correspondence shows that on the 30th April, 1859, a treaty was concluded between Great Britain and Guatemala for the settlement of the question of the boundary of Belize; that on the 28th November, 1859, another treaty was concluded between this country and Honduras for the transfer of the Bay Islands to that republic, as well as for the settlement of other questions relating to the Mosquito Indians and the claims of British subjects, including the withdrawal of the British protectorate, and that on the 28th January, 1860, a third treaty was concluded between this country and Nicaragua, also with reference to the Mosquito Indians and the claims of British subjects.

Copies of these three treaties were officially communicated to the United States Government, with the expression of a hope on the part of Her Majesty's Government that they would "finally set at rest the

questions respecting the interpretation of the Clayton-Bulwer treaty, which had been the subject of so much controversy between this country and the United States."

And in his message to Congress of the 3d December, 1860, President Buchanan says the dangerous questions arising from the Bulwer-Clayton treaty "have been amicably and honorably adjusted. The discordant constructions of the Clayton-Bulwer treaty between the two governments, which at different periods of the discussion bore a threatening aspect, have resulted *in a final settlement entirely satisfactory to this government.*"

I have been forced to give the above extracts at considerable length, and I refrain from adding other passages which would tend to illustrate and confirm them. A persual of them, however, will, I think, suffice to show—

1. That the differences which arose between the two governments in regard to the treaty, and which occasioned at one time considerable irritation, but which have long since been happily disposed of, did not relate to the general principles to be observed in regard to the means of interoceanic communication across the isthmus, but had their origin in a stipulation which Mr. Blaine still proposes in a great part to maintain. He wishes every part of the treaty in which Great Britain and the United States agree to make no acquisition of the territory in Central America to remain in full force, while he desires to cancel those portions of the treaty which forbid the United States fortifying the canal, and holding the political control of it in conjunction with the country in which it is located.

2. That the declarations of the United States Government during the controversy were distinctly at variance with any such proposal as that just stated. They disclaimed any desire to obtain an exclusive or perferential control over the canal. Their sole contention was, that Great Britain was bound by the treaty to abandon those positions on the mainland or adjacent islands, which, in their opinion, were calculated to give her the means of such a control. Nor did they in any way seek to limit the application of the principles laid down in the treaty so as to exclude Colombia nor Mexican territory, as Mr. Blaine now suggests, nor urge that such application would be inconsistent with the convention between the United States and New Granada of 1846. On the contrary, they were ready to give those principles their full extension.

3. That at a time when the British Government had been induced by the long continuance of the controversy to contemplate the abrogation of the treaty, they were only willing to do so on the condition of reverting to the *status quo ante* its conclusion in 1850; a solution which was at that time possible—though, as the United States Government justly pointed out, it would have been fraught with great danger to the good relations between the two countries—but which is now rendered impossible by the subsequent events.

4. That a better and more conciliatory conclusion, which for twenty years has remained undisputed, was effected by the independent and voluntary action of Great Britain. The points in dispute were practically conceded by this country, and the controversy terminated in a manner which was declared by President Buchanan to be amicable and honorable, resulting in a final settlement entirely satisfactory to the Government of the United States.

You are authorized to read this dispatch to the United States Secre-

tary of State, and to offer him a copy of it if he should desire, in the same manner in which a copy of Mr. Blaine's dispatch was offered to me.

I have, &c.,

GRANVILLE.

The Hon. L. S. S. WEST.

47TH CONGRESS, 1st Session. } SENATE. { Ex. DOC. No. 78, Part 3.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

In further answer to Senate resolution of the 12th of December, 1881, *a report of the Secretary of State, and its accompanying papers, in regard to the modification of the Clayton-Bulwer treaty.*

JUNE 6, 1882.—Read and referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

In further answer to the Senate's resolution of the 12th December last, I transmit herewith a report of the Secretary of State, and its accompanying paper, in regard to the modification of the Clayton-Bulwer treaty.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, June 5, 1882.

DEPARTMENT OF STATE,
Washington, June 5, 1882.

The Secretary of State, in further compliance with the request contained in the resolution of the Senate of December 12, 1881, submits herewith a copy of an instruction of the 8th ultimo to our minister in London respecting the modification of the Clayton-Bulwer treaty.

Respectfully submitted.

FREDK. T. FRELINGHUYSEN.

To the PRESIDENT.

Mr. Frelinghuysen to Mr. Lowell.

No. 368.]

DEPARTMENT OF STATE,
Washington, D. C., May 8, 1882.

JAMES RUSSELL LOWELL, Esq., &c., &c., &c., *London:*

SIR: Mr. Sackville West has handed me copies of two dispatches from Lord Granville to him respecting the Clayton-Bulwer treaty; the first, dated 7th January last, comments upon Mr. Blaine's 270 of the 19th of November; the second, of the 14th January, comments upon Mr. Blaine's 281 of the 29th November.

They have been read with interest and with attention. After careful consideration the President is not without hope that the views of the two governments may be harmonized in this matter. He therefore directs me to communicate to you, somewhat at length, the opinions entertained here respecting the traditional continental policy of the United States and the Clayton-Bulwer treaty.

A canal across the isthmus for vessels of all dimensions and every character, under possible conditions hereinafter referred to, would affect this republic in its trade and commerce; would expose our Western coast to attack; destroy our isolation; oblige us to improve our defenses and to increase our Navy, and possibly compel us, contrary to our traditions, to take an active interest in the affairs of European nations. The United States with their large and increasing population and wealth cannot be uninterested in a change in the physical conformation of this hemisphere which may injuriously affect either the material or political interests of the republic, and naturally seek that the severance of the isthmus connecting the continents shall be effected in harmony with those interests. This government, while believing that the isthmus should not be severed so as to do unnecessary injury to the United States, at the same time appreciates the desire of Great Britain that she should be able by a short and easy passage from ocean to ocean to reach her eastern and American possessions on the Pacific, and that other nations of the world have a similar interest in such a passage. There is, however, no necessary conflict between the political claims of the United States in this matter and the material interests of other nations.

A canal across the isthmus can be created, and under the protectorate of the United States and the republic whose territory it may cross, can be freely used by all nations; thus in some degree would be continued to the United States the benefit of that conformation of the earth which is now an element of security and defense.

For thirty years the Panama Railroad has been maintained without other protection than that of the United States and the local sovereign, in accordance with the treaty of 1846 with New Grenada.

During that period Great Britain has carried to a successful result the wars of the Crimea and the Indian mutiny; France has three times convulsed Europe with strife; a conflict between Russia and Turkey has changed the face of the Ottoman Empire; thrones have crumbled; empires have been constructed; republics have arisen, while on this continent the most remarkable civil war in history has occurred, and at the same time the Emperor of the French was lending his active support to an aspirant for imperial honors in the neighboring republic of Mexico. Within that period almost every form of war and strife has taken place that would seem to make especially necessary the neutralization of the isthmus, and yet the trains of the Panama Railroad have run from ocean to ocean peacefully and with no other interruption than what has come from the rare turbulence of the local population.

During the same time another isthmus has been pierced, and while wars have raged within sight of the Mediterranean port the peaceful commerce of the world has moved through the Suez Canal quietly and safely under no international protectorate.

If no guarantee or protectorate has been found necessary during such troubled times, it can scarcely be required in the more peaceful period which both the Government of the United States and that of Great Britain hope and strive for.

The President, therefore, considers it unnecessary and unwise, through an invitation to the nations of the earth, to guarantee the neu-

trality of the transit of the isthmus, or to give their navies a pretext for assembling in waters contiguous to our shores, and to possibly involve this republic in conflicts from which its natural position entitles it to be relieved.

It will doubtless occur to Lord Granville, as it does to us, that international agreements of this kind calling for interference by force, and conferring joint rights upon several independent powers, are calculated to breed dissension and trouble. In times of peace, when there is no call for their exercise, they are harmless though useless. But when wars and trouble come, it too frequently happens that differences arise, and so at the very moment when the agreement should be enforced it is impossible to enforce it; and such agreements would lead to that political intervention in American affairs which the traditional policy of the United States make it impossible that the President should either consent to or look upon with indifference.

The President believes that the formation of a protectorate by European nations over the isthmus transit would be in conflict with a doctrine which has been for many years asserted by the United States. This sentiment is properly termed a doctrine, as it has no prescribed sanction and its assertion is left to the exigency which may invoke it. It has been repeatedly announced by the Executive Department of this Goverment and through the utterances of distinguished citizens; it is cherished by the American people, and has been approved by the Government of Great Britain.

It is not the inhospital principle which it is sometimes charged with being and which asserts that European nations shall not retain dominion on this hemisphere and that none but republican governments shall here be tolerated; for we well know that a large part of the North American continent is under the dominion of Her Majesty's Government, and that the United States were in the past the first to recognize the imperial authority of Dom Pedro in Brazil and of Iturbide in Mexico. It is not necessary now to define that doctrine, but its history clearly shows that it at least opposes any intervention by European nations in the political affairs of American republics.

In 1823, Mr. Canning, with the concurrence of the cabinet of London, informed Mr. Rush that Great Britain could not see with indifference the intervention of foreign powers in Spanish America, or the transfer to those powers of any of the colonies, and suggested a joint declaration to that effect by the United States and Great Britain. This suggestion grew out of the relations then existing between France and Spain, their attitude towards the South American republics then struggling for independence, and the injuries to the colonies and commerce of Great Britain which would result from a successful prosecution of the policy of those two governments. President Monroe did not adopt the proposal for a joint declaration, but in his message of December 2, 1823, after stating that it was our policy not to interfere with the internal concerns of European powers, speaking of the war which the revolted colonies were carrying on against Spain, and of contemplated interference by the "Holy Alliance" in behalf of the latter, said, in language which has gone into history under his name, thus:

> But in regard to these continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness, nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference.

This sentiment was received in England with enthusiasm. Mr. Brougham said:

The question in regard to Spanish America is now, I believe, disposed of or nearly so; for an event has recently happened than which none has ever dispersed greater joy, exultation, and gratitude over all the freedmen of Europe; that event which is decisive on the subject is the language held with respect to Spanish America in the message of the President of the United States.

Sir James Mackintosh said:

This evidence of the two great English commonwealths (for so I delight to call them, and I heartily pray that they may be forever united in the cause of justice and liberty) cannot be contemplated without the greatest pleasure by every enlightened citizen of the earth.

Mr. John Quincy Adams, who well knew what had led to these statements by Mr. Monroe, explained in a message to the House of Representatives on the 17th day of March, 1826, that there was no purpose of interfering with the existing European colonies in America; that the language was only a frank declaration that the United States could not look with indifference either upon an attempt by colonization to close any port of the continent against the commerce of the United States or upon concerted political interference from Europe in American affairs.

Thus the doctrine of non-intervention by European powers in American affairs arose from complications in South America, and was announced by Mr. Monroe on the suggestion of the official representative of Great Britain.

The doctrine so formulated by Monroe and expounded by Adams has since remained a cardinal principle of our continental policy. In several notable instances, especially in the case of the French attempt to set up imperial authority in Mexico, it guided our political action, and it is to day firmly imbedded in the American heart.

It is true that this doctrine refers to the political, and not to the material interest of America; but no one can deny that to place the isthmus under the protection and guarantee of the powers of Europe,-rather than under the protection of the leading power of this hemisphere, would seriously threaten and affect the political interest of that power.

It is not to be anticipated that Great Britain will controvert an international doctrine, which she suggested to the United States, when looking to her own interest, and which, when adopted by this republic, she highly approved; and it is but frank to say that the people of this country would be as unwilling that the pathway of commerce between the Pacific coast and our eastern market should be under the dominion of the allied European powers as would be the people of Great Britain that the transit from one to another part of her possessions should be under such control.

Prior to the war of the Revolution, Great Britain had acquired strong positions from Halifax to Antigua, dominating the coast of the United States. She retained these positions after the peace of 1783, and continues to use them for offensive and defensive purposes. She has strengthened old strongholds and made new ones, while the United States has ever refused to avail itself of proffered commanding external military stations.

No well-informed statesman doubts the ability of this nation to raise a powerful navy. To raise such a navy might bring commercial advantages to the United States, but it is doubtful whether it would promote the peace of the world; and the United States desire that their citizens

may, without any armed assertion of right, be conveyed by water transit from their western to their eastern shores without passing under the guns of European powers.

These are our own views, and it is but frank to state them, while Her Majesty's Government is not called upon either to admit or deny them.

To considerations such as these Lord Granville, in his dispatch of November 10, 1881, answers that the position of Great Britain and the United States, in reference to the canal, is determined by the—

> Engagements entered into by them respectively in the convention, which was signed at Washington on the 19th of April, 1850, commonly known as the Clayton-Bulwer treaty, and that Her Majesty's Government rely with confidence upon the observance of all the engagements of that treaty.

We are thus fairly brought to the consideration of the Clayton-Bulwer treaty.

The treaty relates to communication between the oceans, and divides itself into two parts.

First, and principally, that which the treaty terms a "particular object," to wit, a then projected interoceanic canal in Central America by the Nicaragua route; and this is the only object stated in the preamble of the treaty; which says that the two governments, "being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua to any port or place on the Pacific Ocean," to that end confer full powers on Mr. Clayton and Sir Henry Bulwer.

This first and principal object of the treaty is considered in the first seven articles.

Second. The subordinate object of the treaty is that treated of in the remaining or eighth article, which states that the two governments "having not only desired, in entering into this convention, to accomplish a *particular object*, but also to establish a general principle (and this is the principle), hereby agree to extend their protection by treaty stipulation to any other practicable communication" across the isthmus, "and especially to the interoceanic communications, should the same prove practicable, whether by canal or railroad, which are now proposed to be established by the way of Tehuantepec or Panama." This "general principle" or joint protection is to be effected as stated, "by treaty stipulations."

Although this discussion relates to a canal by the Panama route outside of Central America, to which the eighth article refers, yet your attention is invited as well to the first and principal as to the second and subordinate purpose of the treaty.

First. While the primary object of the treaty, as will be seen, was to aid the immediate construction of a canal by what is known as the Nicaragua route, it is equally plain that another and important object, which the United States had in view, was to dispossess Great Britain of settlements in Central America, whether under cover of Indian sovereignty or otherwise. The United States were tenacious that Great Britain should not extend further her occupation of threatening military or naval strategic points along their maritime frontier. To assure this, the parties to the treaty jointly agreed not to exercise dominion over, or fortify or colonize Nicaragua, Costa Rica, the Mosquito Coast, or any

part of Central America. Great Britain, however, exercises dominion over Belize or British Honduras, the area of which is equal to that of Massachusetts, Connecticut, and Rhode Island, and the impression prevails that since the conclusion of the treaty of 1850, the English inhabitants of that district have spread into the territory of the neighboring republics and now occupy a large area of land which, under the convention, belongs to one or the other of the two republics, but over which the government of Her Majesty assumes to exercise control.

Such dominion seems to be inconsistent with that provision of the treaty which prohibits the exercise of dominion by Great Britain over any part of Central America. This makes it proper for me to say that the English privileges, at the time of the conclusion of the Clayton-Bulwer treaty, in what has been known as the Belize, were confined to a right to cut wood and establish saw-mills in a territory defined by metes and bounds. These privileges were conferred by treaties, in which Spanish sovereignty was recognized. On the successful revolution, the rights of Spain vested in the new republics, and had not been materially changed when the Clayton-Bulwer treaty was concluded. That treaty was concluded April 19, and its ratification advised by the Senate May 22, 1850. On the exchange of the ratifications, Sir Henry Bulwer filed in this Department, under date of June 29, 1850, a declaration that the exchange was made with the understanding on the part of Her Majesty's Government that the treaty did not apply to Her Majesty's *settlement* at Honduras, and its dependencies. Mr. Clayton answered, under date of July 4, 1850, that he so understood, but that he must not be understood to either affirm or deny British title therein. It is to be observed that each of these declarations was made after the conclusion of the treaty by the joint action of the President and the Senate, and that the declaration was not made to or accepted by them. In 1859 Great Britain entered into a treaty with Guatemala, in which what had been called the *settlement* in the declaration made on the exchange of the ratification of the Clayton-Bulwer treaty was styled "Her Britannic Majesty's settlement and possessions."

In the treaty with Guatemala the boundaries were defined, and it was agreed that all on one side of the defined boundaries "belongs to Her Britannic Majesty." It is further understood that when the commissioners met to mark the boundary in accordance with the agreement, it was found that the subjects of Great Britain had occupied so much more of Guatemala than was supposed that the commissioner on the part of Her Majesty's Government refused to proceed, and this large area of land has since remained practically in the possession of Great Britain.

The United States have never given their assent to this conversion of the British "settlement" in Central America under Spanish-American sovereignty into a British "possession" with British sovereignty. There is a vast difference between a settlement subject to the sovereignty of the Central-American republic and a colony controlled by Great Britain.

Under the treaty of 1850, while it is binding, the United States have not the right to exercise dominion over or to colonize one foot of territory in Central America. Great Britain is under the same rigid restriction. And if Great Britain has violated and continues to violate that provision, the treaty is, of course, voidable at the pleasure of the United States.

Again, it is well known that the parties to the Clayton-Bulwer treaty anticipated that a canal by the Nicaragua route was to be at once commenced. Under the assumption of a protectorate of Mosquito, British

authority was at that time in actual and visible occupation of one end of the Nicaragua route, whether with or without title is not now material, and it was intended by this treaty to dispossess Great Britain of this occupation. This object was accomplished in 1859 and 1860 by treaties between Great Britain, Guatemala, Honduras, and Nicaragua, referred to in Lord Granville's dispatch of January 14, 1882. It was to this adjustment, which was one of the prime objects of the treaty, and not to the colonization of British Honduras that Mr. Buchanan in his message of December 3, 1860, alludes as "an amicable and honoroble adjustment of dangerous questions arising from the Clayton-Bulwer treaty."

When the Clayton-Bulwer treaty was concluded it was contemplated that the Nicaragua Canal, to which the treaty principally had relation, would be at once commenced and finished with all possible speed by American and British capital under the impulse of the joint protectorate. This appears not only from the context of the treaty, but also from the history of the negotiations which led to the treaty and the relations which then existed between this government and the Central American States.

On December 12, 1846, New Grenada, by a treaty of commerce, in consideration of certain guarantees, made the United States valuable grants relating to the Panama route, to which your attention will be directed when we consider the rights of this republic in relation to the Panama route.

The discovery of gold in California soon made it important to find some rapid way of reaching it. Notwithstanding the progress of the Panama Railroad scheme, public feeling was running strongly in favor of a ship-canal large enough to accommodate ocean steamships. Influenced by this strong feeling the minister of the United States in Nicaragua, without instructions, negotiated a treaty with that republic, which conferred upon certain citizens of the United States the valuable right to construct a ship-canal from San Juan on the Atlantic coast to the Pacific. Nicaragua claimed sovereignty over the whole of the line of the proposed canal, while Great Britain, as I have shown, claimed sovereignty over a portion of it occupied by the Mosquito Indians.

At the time of the concession by Nicaragua it would have been impossible to procure in the United States the capital necessary for the construction of a ship canal from the Atlantic to the Pacific.

Hence it was that, when Mr. Clayton learned of the concession, he at once informed Mr. Crampton, the British minister, saying that the United States did not propose to avail themselves exclusively of these privileges, but wished a canal constructed, and that the claim of Great Britain on behalf of the Mosquito Indians, which the United States could not admit, stood in the way. The Government of the United States, Mr. Clayton said, was persuaded that—

> These considerations, if fairly laid before Her Majesty's Government, would induce Her Majesty's Government to make such an arrangement with regard to the Mosquito Indians as would prevent its being an obstacle to the design in question.

President Taylor was present at the interview, and "cordially concurred." Mr. Crampton reported the conversation to Lord Palmerston the 1st October, and on the 15th of the same month transmitted to him a copy of the concession by Nicaragua to the American company. The 22d November Mr. Abbott Lawrence officially informed Lord Palmerston that an American company, aided by the subscription of a large amount of British capital, had begun to construct the Panama Railroad, and

had completed the contracts for iron for it. He transmitted to Lord Palmerston a copy of the guaranty in the treaty of 1846 with New Grenada, and invited Great Britain to join in the guaranty. In the same note he acquainted Her Majesty's Government with the concession from Nicaragua to the American canal company, and said that the conflicting claims as to Mosquito threw an obstacle in the way of the work, and invited a conversation on the subject. It seems that several conversations were had, since on the 14th of the following December Mr. Lawrence addressed a formal note to Lord Palmerston, in which, after referring to them and again setting forth the concessions for the Panama Railroad and the Nicaragua Canal, and stating that the United States had "disclaimed all intention to settle, annex, colonize, or fortify the territory of Central America, which declaration had been met by a similar disclaimer on the part of Great Britain," and also that Her Majesty's Government "had intimated their willingness to join with the "United States in their guaranty of neutrality," he asked in substance, 1st. Whether Great Britain would enter into a treaty with Nicaragua similar to that negotiated by the United States? 2d. Whether Great Britain would enter into treaty with New Grenada guaranteeing the neutrality of the railway then under construction. 3d. Whether the obstruction of the Mosquito protectorate would be removed? This note was never answered formally in London, but negotiations were transferred to Washington.

Meantime, and in the autumn of 1849, Sir Henry Bulwer had succeeded Mr. Crampton in Washington and, soon after his arrival, commenced negotiations with Mr. Clayton for a treaty for the protection of a canal.

On the 6th January, 1850, Sir Henry Bulwer wrote to Lord Palmerston, saying:

> Your lordship is aware that the main interest of the United States in this matter has arisen from its newly acquired possession in the Pacific, and the project of an American company to form a water communication between the two oceans, passing through the lake of Nicaragua and the river San Juan; this company having obtained from the state of Nicaragua the use of its lakes and territory for this purpose, and the use also of the river San Juan, to which Nicaragua lays claim. * * * But it so happens that while it is very difficult, not to say impossible, for Her Majesty's Government to listen to those claims of Nicaragua, our decision with respect to which has been already openly taken, there is no difficulty, I believe, whatsoever in Her Majesty's Government assisting the United States in its general views with respect to that water communication across Central America, which Great Britain must be almost as desirous as the United States to see established. * * * I am disposed to think that the best way of doing this is by a convention between Great Britain and the United States.

Negotiations conducted on this basis progressed so rapidly that on the 3d February, 1850, Sir Henry Bulwer was able to transmit for Lord Palmerston's criticism the full project of a treaty. Extracts from the covering dispatch fully explain what the treaty was intended to accomplish:

> The State of Nicaragua made to an American company, formed for the construction of such a canal, the grant, accompanied by various favors and privileges, of all such portion of the territory claimed by it, as the said company require. * * * It was, however, impossible for the contemplated scheme to be executed under any grant from the state of Nicaragua as long as the mouth of the San Juan River was in the hands of another people protected by Great Britain. * * * Both the American company, to which I have alluded, and the American Government, have latterly manifested an earnest desire to have it clearly understood that they will modify all that portion of their original engagement with Nicaragua which secures any advantages to one state which another may not equally enjoy; and if such be the spirit which is to preside over the vast project under consideration, Great Britain has not only no interest in preventing its success, but every interest in forwarding its completion and providing for its security. * * * It is with such views that the inclosed convention has been

drawn up, its object being to exclude all question of the disputes between Nicaragua and the Mosquitos, but to settle in fact all that it was essential to settle with regard to these disputes as far as the ship communication between the Atlantic and Pacific and the navigation of the river San Juan were concerned.

The project, which was inclosed in this dispatch, was in the substance of its provisions and in most of its language, identical with the treaty subsequently concluded, with one marked exception. In the project, Article VII stopped with the general provision to give encouragement and support to the first parties offering to commence the work with the necessary capital. In the subsequent negotiations the following words were added to that article, and form part of Article VII of the executed treaty:

And if any persons or company should already have, with any state through which the proposed ship-canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall, moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if at the expiration of the aforesaid period such persons or company be not able to commence and carry out the proposed enterprise, then the governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

The Clayton-Bulwer treaty was concluded on the 19th of the following April, and I think it will not be denied that the object which President Taylor, Mr. Clayton, Sir Henry Bulwer, and Lord Palmerston had in view in making it was primarily and mainly this: To insure at the earliest possible moment the completion of the particular ship-canal for which a concession had been made by Nicaragua to citizens of the United States on the 29th August, 1849. All the interviews of which accounts remain, and all the correspondence relate to this particular canal and to no other. As if to make assurance doubly sure, the project of a treaty which Sir Henry Bulwer sent to Lord Palmerston the 3d of February being found doubtful or insufficient in this respect, was so amended between that time and the 19th April as to make it practically certain that that grant would be accepted by both governments as the one covered by the treaty.

It was to this particular canal that were to be applied all the provisions of the first article in the treaty relating to the fortification of the canal, the control over it, and exclusive advantage in it; of the second article, relating to blockade, detention or capture; of the third and fourth articles, relating to protection during construction and to free ports; of the fifth article, in regard to a guaranty of neutrality; of the sixth article, with regard to treaties with other states, and the use of the good offices of the high contracting parties; and of the seventh article, as already noticed; but if under the provisions of the seventh article the claims of the holders of this particular concession should be set aside, then each government reserved to itself the right to determine whether its interests required it to afford protection to the holders of any other concession.

The two governments did, however, subsequently come to a harmonious agreement with regard to the grant by Nicaragua, the one contemplated by the treaty.

The company was organized, and Colonel Childs, who had been chief engineer of the canals of the State of New York, was sent to Nicaragua to make a survey. He arrived there in August, 1850, and in 1852 his report was received, printed, and laid before the Secretary of War by direction of the President, who detailed Colonel Abert and Lieutenant-Colonel Turnbull, of the United States Army, to examine it and give their opinions upon it. They approved the report on the 20th March, 1852.

On the 16th June, in the same year, Mr. Lawrence informed Lord Malmesbury of these facts, and requested Her Majesty's Government to appoint engineers of skill and experience to examine it on the part of that government.

Mr. Lawrence was on the 30th July informed that an officer of the royal engineers and an eminent civil engineer had been appointed for that purpose, and on the 13th August their report was transmitted to Mr. Lawrence by Lord Malmesbury. The report was favorable, and a combination of British capitalists was made in contemplation of united action with American shareholders in the construction of the canal. For reasons which need not now be repeated, but principally because of the discussion which immediately began as to the clauses of the treaty relating to settlements in British Honduras, the project failed, and no canal was ever constructed under that grant.

A line of steamers was put on and run for many years, carrying passengers between New York and San Francisco. The expedition of Walker into Nicaragua terminated this line. The grant was revoked, the steamers were seized; the stockholders received no benefit from their property, and although the company nominally exists, it has been practically superseded by subsequent grants from Nicaragua to other companies.

It was also agreed in the treaty that the parties should invite other states to enter into similar stipulation, to the end that they might share in the "honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated," to wit, that by the Nicaragua route.

It is to be observed that if other nations were to become parties to the enterprise it was only on the joint invitation of both the United States and Great Britain; but the President regards the provision as lapsed by the failure to construct the canal to which it referred, and by the fact before stated that experience has shown that no joint protectorate for any canal across the isthmus is requisite. The canal, however, now in question is on the Panama and not on the Nicaragua route.

The remaining subject of the treaty is contained in the eighth article, which relates to a canal or railway across the isthmus other than by the Nicaragua route, as by way of Tehuantepec or Panama, and it is this provision of the treaty which has occasioned this correspondence. The article provides as follows:

> The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a *particular object* [to wit, the Nicaragua Canal, which, at the date of the treaty, it was thought was about to be constructed], but also to establish a general principle, they hereby agree to extend their protection, by *treaty stipulations*, to any other communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama.

It is to be here observed that the Government of the United States has a treaty with New Grenada, now a part of the United States of

Colombia, entered into in 1846, by which free transit is guarantied to the citizens of the United States across the Isthmus of Panama upon any mode of communication that may be constructed, subject to no duties or burdens but such as may be imposed upon citizens of New Grenada; and by which, in order to secure the tranquil and constant enjoyment of these advantages, the United States guarantied, positively and efficaciously, the *perfect neutrality of the isthmus*, with the view that free transit from sea to sea might not be interrupted or embarrassed, and also guarantied the rights of sovereignty and property which New Grenada (now the United States of Colombia) had and possesses over said territory.

By this treaty with New Grenada the United States claim to occupy a peculiar relation to the means of transit by railroad or canal across the isthmus, within the territories of the United States of Colombia, a relation which cannot justly be superseded by the intervention of other States without the consent of the United States, duly and properly obtained. A protectorate of this kind is, like government, necessarily exclusive in its character, and implies a right and duty to make it effective. There may be a joint protectorate engaged in by mutual convention of different States, but the protectorate itself must be a unit. The treaty with New Grenada of 1846 still remains in full force. If Great Britain should desire to be united with the Government of the United States in that guaranty, of course it would require the consent of the United States of Colombia and of this government, and a convention to that end, the terms of which should be made agreeable to the parties.

Article VIII of the Clayton-Bulwer treaty relates only to those projects *now* [1850] proposed to be established; and expressly contemplates some further "treaty stipulation" on the part of Great Britain with the United States of America and New Grenada, now the United States of Colombia, before Great Britain can join the United States in the protectorate of the canal or railway by the Panama route. No such treaty stipulation has been made or has been proposed by Great Britain. Since the ratification of the Clayton-Bulwer treaty, for thirty years the United States, under the treaty of 1846 with New Grenada, has extended protection to the transit from sea to sea by the Panama Railway.

Should Her Majesty's Government, after obtaining the consent thereto of the United States of Colombia, claim, under the Clayton-Bulwer treaty, the right to join the United States in the protection of the existing Panama Railway, or any future Panama Canal, the United States would submit that experience has shown that no such joint protectorate is requisite; that the Clayton-Bulwer treaty is subject to the provisions of the treaty of 1846 with New Grenada, while it exists, which treaty obliges the United States to afford, and secures to it the sole protectorate of any transit by the Panama route; and if Great Britain still claimed the right to join in the protectorate the United States would then determine whether the "treaty stipulations" proposed by Great Britain regulating that joint protectorate were just; and, if so, whether the length of time during which Great Britain has concurred in the protection of the Panama route under the treaty with New Grenada has or has not relieved the United States from any obligation to accept a proposal from the government to join in the guaranty.

I may then state the President's views on the whole subject, which I do with an assurance that they will meet with a candid consideration from Lord Granville, and with the hope that they may be substantially concurred in by Her Majesty's Government.

The Clayton-Bulwer treaty was concluded to secure a thing which did not exist, and which now never can exist. It was to secure the construction of a canal under the grant of 1849 from Nicaragua that the United States consented to waive the exclusive and valuable rights which had been given to them; that they consented to agree with Great Britain that they would not occupy, fortify, colonize, or assume dominion over any part of Central America; and that they consented to admit Her Majesty's Government at some future day to a share in the protection which they have exercised over the Isthmus of Panama.

The Government and people of the United States, though rich in land and industry, were poor in money and floating capital in 1850. The scheme for a canal, even without the complications of the Mosquito protectorate, was too vast for the means of the Americans of that day, who numbered then considerably less than one-half of their numbers to-day. They went to England, which had what they had not, surrendered their exclusive privileges, offered an equal share of all they had in those regions in order, as expressed in the seventh article of the treaty, "that no time should be unnecessarily lost in commencing and constructing the said canal." Through no fault of theirs time was unnecessarily lost, the work was never begun, and the concession failed.

The President does not think that the United States are called upon by any principle of equity to revive those provisions of the Clayton-Bulwer treaty which were specially applicable to the concession of August, 1849, and apply them to any other concession which has been since or may hereafter be made. The conditions of 1882 are not those of 1852. The people of the United States have now abundance of surplus capital for such enterprises, and have no need to call upon foreign capitalists. The legislative branch of the Government of the United States may also desire to be free to place the credit of the United States at the service of one or more of these enterprises. The President does not feel himself warranted in making any engagement or any admission respecting the extinct provisions of the Clayton-Bulwer treaty which would prevent or interfere with such a purpose. On the contrary, frankness requires him to say that as the persons who held the grant which the United States understood to be accepted by the two governments under the provisions of the treaty have not "carried out the proposed enterprise," the United States esteem themselves competent to refuse to afford their protection jointly with Great Britain to any other persons or company, and hold themselves free hereafter to protect any interoceanic communication in which they or their citizens may become interested in such way as treaties with the local sovereign powers may warrant and their interests may require.

There are some provisions of the treaty which the President thought might be advantageously retained. With this purpose the present correspondence was opened by the note to you of the 19th November last, in which these points were indicated. The President is still ready on the part of the United States to agree that the reciprocal engagements respecting the acquisition of territory in Central America, and respecting the establishment of a free port at each end of whatever canal may be constructed, shall continue in force, and to define by agreement the distance from either end of the canal where captures may be made by a belligerent in time of war, and with this definition thus made to keep alive the second article of the treaty. He hopes that Lord Granville on future consideration may not be averse to revising his opinion that such agreements would not be beneficial.

To the suggestion made by Lord Granville, at the close of this note of January 7, that the United States should take the initiative in an invitation to other powers to participate in an agreement based upon the convention of 1850, the President is constrained, by the considerations already presented, to say that the United States cannot take part in extending such an invitation, and to state with entire frankness, that the United States would look with disfavor upon an attempt at a concert of political action by other powers in that direction.

It is not necessary to observe that there is no provision of the Clayton-Bulwer treaty which authorizes Great Britain to invite, or obliges the United States to accept, the aid of other nations to protect or to guarantee the neutrality of the Panama route.

Fortunately the want of harmony in the views of the two governments can have at present no injurious influence. No canal yet exists across the Isthmus, and in the natural course of events some time must elapse before one can be constructed; meanwhile the points of divergence between Her Majesty's Government and that of the United States may disappear. The President hopes that long before the subject becomes one of practical importance Her Majesty's Government may be brought to see that the interests of Great Britain and of the United States in this matter are identical, and are best promoted by the peaceful policy which he has marked out for this country.

In the mean time the diversity of opinion which now exists will not in any wise impair the good understanding happily existing between the people and Governments of the United States and Great Britain.

You will read this dispatch to Lord Granville, and if he desires to have a copy of it you may leave one with him.

I am, sir, your obedient servant,

FREDK. T. FRELINGHUYSEN.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 79.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

PAPERS

RELATING TO

THE WAR IN SOUTH AMERICA,

AND

ATTEMPTS TO BRING ABOUT A PEACE,

SUBMITTED TO

THE SENATE, JANUARY 26, 1882,

IN REPLY TO

THE RESOLUTION OF THAT BODY OF DECEMBER 13, 1881, AND OF THE HOUSE OF REPRESENTATIVES OF JANUARY 24, 1882, CALLING FOR CORRESPONDENCE TOUCHING THE EFFORTS OF THIS GOVERNMENT TO BRING ABOUT PEACE BETWEEN CHILI, AND PERU AND BOLIVIA, AND TOUCHING CLAIMS AGAINST OR CONTRACTS RESPECTING EITHER OF THE BELLIGERENT GOVERNMENTS.

WITH

AN ABSTRACT OF THEIR CONTENTS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1882.

CONGRESS OF THE UNITED STATES.

IN THE SENATE OF THE UNITED STATES,
December 13, 1881.

Resolved, That the President be, and he hereby is, requested, if in his opinion it be not incompatible with the public interest, to communicate to the Senate all the correspondence between the Government of the United States and its diplomatic agents in Peru and Chili, respectively, occurring since the 1st day of April, 1879, touching public affairs in or between those states, and also such other correspondence and information on the subject as may be in the possession of the executive department.

IN THE HOUSE OF REPRESENTATIVES,
January 24, 1882.

Resolved, That the President be, and he hereby is, requested, if in his opnion it be not incompatible with the public interest, to communicate to the House all correspondence between the Government of the United States and its diplomatic and other agents, or between the government and European governments, occurring since the 1st day of April, 1879, except such as has been already communicated to Congress, relating to the efforts of the government to bring about peace between Chili and Peru and Bolivia, and all communications of any nature made by our government to either of those countries in relation to the war. And also copies of all communications, and documents from diplomatic agents, or from any private individuals, companies, or corporations, concerning any claims against or contracts respecting either of the belligerent governments.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In response to Senate resolution of December 13, 1881, *a report of the Secretary of State, and accompanying papers, touching affairs in or between Peru and Chili.*

JANUARY 26, 1882.—Read and referred to the Committee on Foreign Relations.

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, and accompanying papers, furnished in response to the resolution of the Senate of the 13th ultimo, calling for correspondence touching affairs in or between Peru and Chili.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 26, 1882.

DEPARTMENT OF STATE,
Washington, January 24, 1882.

To the PRESIDENT:

The Secretary of State, to whom was referred the resolution of the Senate of the 13th ultimo, requesting the President, "if, in his opinion, it be not incompatible with the public interest, to communicate to the Senate all the correspondence between the Government of the United States and its diplomatic agents in Peru and Chili, respectively, occurring since the 1st day of April, 1879, touching public affairs in or between those States, and also such other correspondence and information on the subject as may be in the possession of the Executive Department," has the honor to lay before the President the full correspondence in response to that resolution.

The resolution calls for all the correspondence, and the Secretary of State is not aware of any correspondence, whether diplomatic or of a miscellaneous character, touching the subject, on the files of the Department during the period indicated in the resolution, which is not

submitted herewith. Where asterisks indicate a hiatus in the copy, they represent, so far as he is aware, only parts of papers which are omitted because referring to subjects in no way pertinent to the resolution. In many cases asterisks stand in the place of names. In some instances this has been done because, in the judgment of the President, it would have been incompatible with the public interests to disclose the names of representatives or members of foreign governments. In other cases this has been done because the names of persons have been given in papers written by persons holding no official position and without, so far as appears from the files of the Department of State, any sufficient authority on the part of the writers to use such names; such unofficial papers themselves are, nevertheless, sent, because they seem to come within the call of the Senate, having been received by persons holding official positions under this Department.

With these exceptions and explanations, the papers herewith submitted are a full compliance with the terms of the resolution of the Senate.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

LIST OF PAPERS.

List of papers relating to the war in South America and the attempts to bring about a peace.

1. BOLIVIA.

No.	From whom and to whom.	Date.	Subject.	Page.
		1879.		
1	Mr. Evarts to Mr. Pettis (No. 12).	June 23	Privateering against Chilian property in neutral vessels: authorization of, by Bolivia, and proposed fitting out of privateers in the United States by Bolivian agents; instructed to inform Bolivia that treaty of 1858 exempts from capture enemy's property on board neutral vessels, and that law of the United States prohibits fitting out within its territory of expeditions against a country with which United States is at peace.	1
2	Same to same (No. 13).....	June 25	Privateering projects of Bolivia: refers to Department's No. 12 and incloses Treasury regulations for the prevention of violation of United States neutrality laws by privateers in the interest of Bolivia.	1
3	Mr. Pettis to Mr. Evarts (No. 15).	June 28	Peace: efforts of Mr. Pettis in behalf of; terms upon which Bolivia will submit to arbitration; offer of mediation by Brazil and some European power has been declined.	3
4	Same to same (No. 16)	July 2	Peace: Peruvian minister calls on Mr. Pettis and expresses desire of Peru for.	4
5	Mr. Evarts to Mr. Pettis (No. 17).	Aug. 8	Mediation of Colombia for cessation of hostilities between Bolivia and Chili: instructed to inform Colombian envoy who will visit La Paz to proffer such mediation, of the friendly solicitude of the United States as to the result of his mission.	4
6	Mr. Seward to Mr. Pettis (No. 19).	Aug. 11	Neutrality of the United States during war between Bolivia and Chili: course of Mr. Pettis in assuring minister for foreign affairs of, approved; reply to No. 13.	5
7	Same to same (No. 21)	Aug. 18	Peace: action reported in his No. 15 in behalf of, approved; position of United States on the subject of mediation.	6
8	Mr. Pettis to Mr. Evarts....	Aug. 23	Peace between the South American belligerents: efforts of Mr. Pettis for, would have succeeded had it not been for prejudicial action of Mr. Fisher, bearer of dispatches; newspaper articles indicating that Mr. Fisher has offered to Peru the mediation of the United States and is about to offer same to Chili inclosed.	6
9	Same to same (No. 22)	Aug. 23	Peace: reports his efforts to bring about same; Chili ready to enter into arbitration with Bolivia on basis proposed by Mr. Pettis, but reserves decision with respect to arbitration of her dispute with Peru; Mr. Pettis in his efforts for peace visited Lima and Santiago and conferred with the authorities there; reasons for his course.	9
10	Same to same (No. 23).....	Aug. 25	Privateering: Bolivia's alleged authorization of; note of inquiry and admonition to foreign office inclosed.	15
11	Same to same (No. 24)	Aug. 25	Privateering: Bolivia's alleged authorization of; note to foreign office transmitting Treasury regulations for prevention of violation of neutrality laws of the United States by Bolivian privateers inclosed; reply to No. 13.	16
12	Mr. Evarts to Mr. Pettis (No. 25).	Sept. 19	Conduct of minister in conferring with Presidents of Peru and Bolivia and giving rise to a supposition that he was on a special mission to Peru, Chili, and Bolivia: explanation requested.	17
13	Mr. Pettis to Mr. Seward (No. 31).	Sept. 25	Documents vindicative of Bolivia's cause: reports having expressed thanks of United States to Government of Bolivia for same; reply to No. 18.	17
14	Mr. Pettis to Mr. Evarts (No. 35).	Sept. 29	Peace between the South American belligerents: Colombia's offer of mediation rejected; mediation of no other power but the United States desired by the belligerents, who would accept such mediation at once if tendered.	17
15	Mr. Pettis to Mr. Seward (No. 36).	Sept. 30	Peace question: the belligerents expect mediation of the United States, and desire no other, and wonder at delay on part of the United States, but are too proud to ask United States to mediate; they will be satisfied with any action the United States may take to bring about peace, and Mr. Pettis urges that steps be taken for pacification of the belligerents; position which Mr. Pettis has assumed with respect to peace; it is understood perfectly in Bolivia.	18

1. BOLIVIA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1879.		
16	Mr. Hunter to Mr. Pettis (No. 26).	Oct. 1	Visit of Mr. Pettis to Santiago and Lima: Department not prepared to either approve or disapprove his unauthorized and rash experiment; if peace should result from it the United States would of course rejoice; this government does not intend to urge peace in disparagement of belligerent rights, and does not tender its good offices for peace, but will use them for that purpose if called upon by the belligerents; statements in Chilian press alleging misrepresentation of our policy by Mr. Pettis regarded as unfounded.	20
17	Mr. Pettis to Mr. Seward ...	Oct. 4	Efforts of Mr. Pettis for peace: believes they will bear fruit; kindest feelings entertained for him by the belligerents on account of said efforts; newspaper articles respecting his mediatory efforts in Chili and Peru.	21
18	Mr. Pettis to Mr. Evarts (No. 41).	Oct. 7	Mediation of the United States would be acceptable to Chili: reports conference at foreign office and transmits correspondence; Bolivia and Peru desire mediation of United States; would accept it if offered, but they cannot formally ask it; basis of such mediation would have to be disoccupancy of Bolivian territory by Chili; belligerents apprehend early armed foreign intervention.	22
19	Same to same (No. 42)	Oct. 8	Boundary: position which the belligerents have occupied towards each other in regard to boundary; suggestion as to territorial basis for mediation; maps inclosed.	25
20	Same to same (No. 43).....	Oct. 9	Privateering: Bolivian decree authorizing the same, exempts vessels carrying United States flag from seizure; note from foreign office inclosed; reply to No. 12; vindication of the decree.	26
21	Same to same (No. 44)	Oct. 15	Privateering: Bolivia's authorization of; note from foreign office acknowledging receipt of the United States Treasury circular respecting enforcement of neutrality laws of United States inclosed.	27
		1880		
22	Mr. Evarts to Mr. Adams (No. 3).	Apr. 19	Prisoners of war: exchange of, between Chili and Bolivia; authorized to do what he can to bring about such exchange.	28
23	Mr. Adams to Mr. Evarts (No. 3).	June 14	Arrival at Lima: facilities afforded him by the United States steamer Alaska; political situation; Mr. Christiancy *influential.*	28
24	Same to same (No. 4)	June 22	Political: Campero elected President of Bolivia notwithstanding his defeat by the Chilians at Tacna; war spirit strong in Bolivia; proposed unification of Peru and Bolivia.	29
25	Same to same (No. 13).....	July 14	Proposed federation of Peru and Bolivia unpopular; hopes and rumors as to intervention by United States; unsatisfactoriness of General Campero as President; appointment of Mr. Cabrera as minister to the United States.	30
26	Mr. Evarts to Mr. Adams (No. 10).	Aug. 2	Policy of the United States regarding peace; incloses correspondence with minister to Peru setting forth same.	32
27	Mr. Adams to Mr. Evarts (No. 22).	Aug. 5	Political: prospects as to invasion of Bolivia, and as to peace; rumored arrival of war vessels from the United States for use of Peru revives hopes of Bolivia.	33
28	Same to same (No. 26).....	Sept. 2	Mediation: Bolivia willing to accept mediation of United States in form proposed by United States minister at Santiago, but defers acceptance until she can hear from Peru; correspondence inclosed; negotiations reported.	33
29	Same to same (No. 27).....	Sept. 2	Confederation movement as between Peru and Bolivia: condition of; peace question.	37
30	Same to same (No. 28).....	Sept. 4	Mediation of the United States: formal and unreserved acceptance of, by Bolivia.	38
31	Same to same (No. 29).....	Sept. 14	Mediation of United States: acceptance of, by Bolivia; rejection of offer of mediation by European powers; preparing to attend conference at Arica; correspondence inclosed.	39
32	Same to same (No. 32).....	Oct. 4	Mediation: disposition of the allies to defer or abandon negotiations in consequence of the seizure by the Chilians of a sugar estate in the north of Peru; effort of Mr. Adams to change this disposition; correspondence inclosed.	42

1. BOLIVIA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1880.		
33	Mr. Adams to Mr. Evarts (No. 34).	Oct. 7	Mediation: refers to his No. 32; Bolivia objects to language in legation's note therein inclosed; Mr. Adams modifies it accordingly; favorable press comments on mediation of the United States.	45
34	Same to same (No. 35).....	Oct. 8	Peace conference: departs for Arica to attend the same.	46
35	Same to same (No. 36).....	Oct. 23	Peace negotiations: nearly defeated by objection of Peruvian negotiators to go to Arica; active and finally successful efforts of Mr. Adams and Bolivian negotiators to overcome this objection.	46
36	Same to same (No. 36 *a*).....	Nov. 6	Peace negotiations: inclosures belonging to his No. 36 transmitted.	48
37	Same to same (No. 39)	Nov. 6	Peace conference: failure of, reported with comments; reprehensible conduct of Chili, and inexplicable action of Minister Osborn.	51
38	Same to same (No. 43).....	Nov. 12	Political situation: scheme for confederation of Peru and Bolivia laid aside for the present; nearly a rupture between Peru and Bolivia; compromise effected; price of necessaries of life very high, while exchange is at par; ministry compelled to resign owing to failure of our mediation; intervention of United States hoped for; vandalism on part of Chilians apprehended with dread; legislation.	52
39	Same to same (No. 46).....	Nov. 17	Peace conference: report of Bolivian plenipotentiaries and protocols of proceedings of the conference inclosed.	53
40	Same to same (No. 49).....	Dec. 3	Peace conference: report of Bolivian foreign office on, inclosed; satisfaction at odium which Chili has brought upon herself by declaring the right of conquest; intervention by the United States and declaration of war by Argentine Republic hoped for; triumph of the allies in the conference.	55
41	Mr. Evarts to Mr. Adams (No. 24).	Dec. 14	Peace negotiations: failure of, regretted; United States still ready to do whatever it can for peace; his personal movements reported in his No. 36 approved.	57
42	Mr. Adams to Mr. Evarts (No. 52).	Dec. 16	Intervention: circular of Bolivian Government inciting other South American Republics to intervene for suppression of Chilian aggrandizement, inclosed.	58
		1881.		
43	Same to same (No. 56).....	Jan. 9	Political: circular of Bolivian Government in answer to one of the Chilian Government respecting responsibility for the war and its continuance, inclosed.	59
44	Same to same (No. 57).....	Jan. 17	Political: change of ministry; war party in power; hopes of Bolivia revived by action and disposition of Argentine Republic; prompt suppression of a mutiny; President Campero firmly established in his seat, although revolutionary rumors are frequently circulated.	60
45	Mr. Nuñez del Prado to Mr. Evarts.	Feb. 1	Peace question: determination of Bolivia to resist to the last extremity Chili's efforts at absorption and conquest.	61
46	Mr. Adams to Mr. Evarts (No. 59).	Feb. 3	Political: demoralization consequent on capture of Lima; foreigners in terror in anticipation of Chilian invasion; appointment of Nuñez as minister for foreign affairs.	62
47	Same to same (No. 60).....	Feb. 15	Political situation: Bolivian circular defining the same, inclosed; Bolivia is stronger than Peru now and has suffered less; turn of Bolivia's commerce towards the Atlantic via the La Plata and Amazon Rivers; note from foreign office inclosed for transmission to Bolivian minister in the United States.	63
48	Mr. Cabrera to Mr. Evarts..	Feb. 18	Peace question: mode of settlement of, which Mr. Cabrera strongly advocates; nitrate and guano deposits of Peru, bone of contention, should be removed from the control of belligerents, and placed in charge of a company which would pay Bolivia's and Peru's war and other debts; plan of such company submitted; war, instead of being ended by fall of Lima, is to be continued with greater activity.	64
49	Mr. Adams to Mr. Evarts No. 61).	Feb. 24	War contributions levied by Bolivia: Spaniards apply to Mr. Adams to intervene for their exemption from; Mr. Adams declines on grounds that application is not official and that contribution is just.	67

1. BOLIVIA Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1881.		
50	Mr. Cabrera to Mr. Blaine ..	May 9	Peace question: plan for solution of, set forth in his note of February 18 last; urges adoption of it.	70
51	Mr. Adams to Mr. Blaine (No. 75).	June 8	Political situation: preparations being made for resisting the invasion of Chilians; Bolivia adheres to Pierola; intervention of the United States for peace hoped for.	71
52	Mr. Blaine to Mr. Nuñez del Prado.	June 14	Peace question: acknowledges his note of February 1.	72
53	Mr. Adams to Mr. Blaine ...	Nov. 8	Policy of the United States in regard to the settlement of the peace question: information relative to, requested.	72

2. CHILI.

		1879.		
54	Mr. Osborn to Mr. Evarts (No. 83).	Feb. 20	Hostilities between Bolivia and Chili resulting from a boundary dispute; Chilian forces in possession of Bolivian territory; fears entertained that Peru will join with Bolivia; explanatory documents transmitted.	73
55	Same to same (No. 86).....	Apr. 3	Hostilities between Bolivia and Chili: Peru will probably take sides with Bolivia; action of Mr. Osborn to prevent a collision between Peru and Chili; the Bolivian territory occupied by Chili, and its resources; the desert of Atacama; newspaper articles thereon inclosed; F. L. Asta-Buruaga, appointed minister to the United States, will leave for Washington soon.	75
56	Same to same (No. 88).....	Apr. 4	Hostilities between Peru and Chili: Chili's grievances are the secret treaty between Peru and Bolivia, and Peru's preparation for war.	76
57	Same to same (No. 89).....	Apr. 10	War between Chili and Peru: war formally declared by Chili on 5th April; Iquique blockaded on same day; province in which Iquique is situated is very wealthy in nitrate and guano deposits; memorandum setting forth antecedents of the war inclosed.	77
58	Same to same (No. 92).....	Apr. 19	War between Chili and Peru: incloses manifesto of Chilian Government vindicating its course in declaring war against Peru.	77
59	Same to same (No. 98).....	May 10	War: progress of; map of theater of war inclosed; purposes of Chili and plan of her campaign; copy of secret treaty between Peru and Bolivia inclosed; Argentine Republic was urged to become a party to this treaty, which was gotten up in hostility to Chili.	84
60	Mr. Seward to Mr. Osborn (No. 63).	May 29	War between Chili and Peru: No. 92, transmitting Chili's manifesto justifying her declaration of war against Peru, received; the war is regretted by the United States.	86
61	Mr. Osborn to Mr. Evarts (No. 100).	June 5	Mediation tendered by Great Britain refused by Peru and accepted by Chili; naval combat at Iquique, and blockade of that port; England directs protection of British subjects by her naval vessels.	87
62	Same to same (No. 101).....	June 11	Privateers: inclosing translation of Bolivian decree relative to, which is in conflict with treaty of United States; English representatives much agitated.	88
63	Same to same (No. 107).....	July 24	War between Peru and Chili: mediation of Ecuador for peace; Peru demands as a condition of arbitration a *status quo ante bellum*; Chili demands a *status quo* as at present; Chili about to make a forward movement; paralyzation of business; financial measures of Chili; opposition to European intervention.	90
64	Mr. Evarts to Mr. Osborn (No. 70).	Aug. 8	Mediation of Colombia for cessation of hostilities: instructed to express to Colombian envoy who will visit Santiago to proffer mediation the friendly solicitude of the United States as to the result of his mission.	92
65	Mr. Osborn to Mr. Evarts (No. 110).	Aug. 9	Visit of Mr. Pettis: his efforts in behalf of peace; difficulty in establishing basis for peace negotiations; Mr. Pettis's efforts have materially improved the prospects for peace; Mr. Osborn does not expect a peaceable solution at present.	92

2. CHILI—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1879.		
66	Mr. Osborn to Mr. Evarts (No. 112).	Aug. 16	Arbitration: Chili ready to arbitrate with Bolivia on basis proposed by Mr. Pettis, but not with Peru; war spirit in the ascendency in Chili; fears of revolution; rumor that United States intends to intervene; Mr. Fisher, bearer of dispatches, and Mr. Pettis occasion the rumor; memorandum of arbitration proposed by Mr. Pettis and correspondence inclosed.	94
67	Same to same (No. 118).....	Oct. 17	Peace question: reply of Mr. Osborn to letter of the United States minister at Lima inclosed: inutility of any effort at Santiago for peace at present.	97
68	Same to same (No. 120).....	Oct. 28	Peace question: failure of Colombia's peace mission; Mr. Osborn has advised our minister at La Paz to do nothing in the way of urging mediation of the United States upon the belligerents; Chili confident of success, and does not wish good offices of the United States at present; necessity for bloody battles before peace can be treated for; proposition involving retrocession of captured territory would not be accepted now.	9
69	Same to same (No. 123).....	Dec. 5	War, progress of: Chilians have captured Peruvian ports of Iquique and Pisagua, and have opened them to commerce, and are now blockading Arica.	100
70	Mr. Asta-Buruaga to Mr. Evarts.	Dec. 15	Neutrality laws of the United States: a torpedo-boat is about to be sent from Bristol, R. I., to Peru in violation of; requests that measures be taken to prevent the departure of said boat; contends that a torpedo-boat comes under the head of armed vessels.	100
		1880.		
71	Mr. Osborn to Mr. Evarts (No. 125).	Jan. 13	Blockade of Peruvian ports Ilo and Mollendo by the Chilian squadron reported.	101
72	Mr. Evarts to Mr. Asta-Buruaga.	Feb. 10	Neutrality of the United States: suspected intention of violation of, by parties in the interest of Peru; there are no sufficient grounds at present for criminal action against builders of the suspected craft at Bristol, R. I.; steps taken to prevent violation of neutrality.	101
73	Mr. Evarts to Mr. Osborn (No. 83).	Feb. 19	Neutral rights: instructed to bring attention of Chilian Government to the destruction of American property at Talara and Lobos by Chilian naval forces, and to inform that government that the United States expects the rights of its citizens as neutrals to be respected, in pursuance of treaty and international law.	101
74	Mr. Osborn to Mr. Evarts (No. 131).	Feb. 25	Neutral rights: incloses note to foreign office protesting against violation of, which would ensue if recent vigorous regulations prescribed by Chili for prosecution of the war should be strictly carried out; the regulations provide for bombardment of all towns and destruction of all moles and launches in Peru; copy of regulations inclosed.	102
75	Same to same (No. 132).....	Feb. 27	Prisoners of war: exchange of, between Chili and Bolivia; aid of legation to effect same has been requested by Chili and promised by Mr. Osborn; has addressed legation at La Paz on subject.	104
76	Same to same (No. 133).....	Mar. 5	Nitrate beds occupied by Chilian forces: Chili will never give them back to Peru; export duty placed on the products of these beds is too high, and very little nitrate is being shipped; Chili is allowing foreign holders of Peruvian bonds to take the products of the beds in satisfaction of their mortgages.	104
77	Mr. Evarts to Mr. Osborn (No. 85).	Mar. 9	Foreign intervention: instructed, in the event of attempt being made by European powers to intervene for cessation of hostilities, to endeavor to induce Chili to turn to the United States as an arbitrator, rather than to a European government.	106
78	Same to same (No. 87).....	Apr. 13	Prisoners of war: exchange of, between Chili and Bolivia; recently appointed United States minister to Bolivia, who will soon depart for his post, will be instructed to take steps for such exchange.	107
79	Same to same (No. 88).....	Apr. 14	Warfare: recent rigorous rules of, established by Chili; minister's protest to Chili approved; instructed to do all he can to prevent the wanton destruction of life and property.	108

2. CHILI—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1880.		
80	Mr. Evarts to Mr. Osborn (No. 89).	Apr. 23	Prisoners of war: exchange of, between Chili and Bolivia; copy of No. 3 to the United States minister at La Paz, on the subject, inclosed.	108
81	Mr. Asta-Buruaga to Mr. Evarts.	Apr. 24	Neutral rights: alleged violation of, by Chili; vindicates Chili's mode of warfare; neutral residents have no ground of complaint; Chili will pay all just claims against her, and hopes that just claims which she may prefer will be similarly treated; has applied to his government for instructions.	109
82	Mr. Osborn to Mr. Evarts No. 143).	April 30	Neutral property: destruction of, by Chilian naval forces at Talara and Lobos; has observed instructions No. 83; grounds upon which Chili vindicates the destruction.	111
83	Same to same (No. 148)	May 20	Mediation by the United States for restoration of peace between Chili and Peru: how it should be conducted when invited; prospects for peace; no disposition on part of European powers to intervene; letter to United States minister at Lima inclosed.	112
84	Same to same (No. 149)	May 21	Iquique: charges preferred by Chili against Consul Merriam of assisting Peru in the war; his prompt removal recommended.	114
85	Mr. Hay to Mr. Osborn (No. 98).	July 15	Neutral rights: asks if Chili has replied to his protest against her proposed mode of conducting the war; refers to his No. 131.	115
86	Mr. Evarts to Mr. Osborn (telegram).	July 29	Mediation: 'Press upon Chilian Government our desire to aid in restoring peace on honorable terms."	116
87	Same to same. (No. 101).....	July 30	Mediation: suggestion by him to Mr. Christiancy of mode of rendering good offices of United States available for cessation of hostilities approved; confirms Department's telegram of 29th ultimo.	116
88	Mr. Osborn to Mr. Evarts (No. 155).	Aug. 4	Intervention: movement of European legations for peace; no forcible intervention contemplated; no prospect of an early peace; the army dissatified at not being ordered to march on Lima; present administration of Chili a very timid one; letter to Mr. Christiancy inclosed.	116
89	Same to same (telegram)....	Aug. 11	Mediation: Chili would accept mediation in form suggested in my dispatch of May 20.	118
90	Same to same (No. 156)	Aug. 12	Mediation: Chili expresses willingness to accept mediation of the United States on basis proposed in Mr. Osborn's 148; formal tender ng of mediation postponed until receipt of instructions; Chili thus is the first one of the belligerents for peace.	119
91	Mr. Hay to Mr. Osborn (telegram).	Aug. 17	Peace question: instructions sent to Mr. Christiancy asking views of Peru; Mr. Osborn's action approved.	120
92	Mr. Osborn to Mr. Evarts (No. 160).	Aug. 26	Neutral rights: alleged violations of, by Chilians at Talara and Lobos, and ill treatment of Mr. Campbell; note from foreign office vindicating Chilians' course at Lobos and Talara inclosed; purpose of legation's note, viz, greater respect for neutral rights accomplished; report of investigation in Mr. Campbell's case not yet received.	121
93	Same to same (No. 161)	Aug. 27	Mediation: Department's telegram of August 17 is gratifying to President of Chili; has requested Mr. Christiancy and Mr. Adams to learn the views of Peru and Bolivia; our movement for peace embarrassed by counter movement on part of other foreign governments; proposition made to Chili by Peru at request of diplomatic corps at Lima to appoint a peace negotiator.	123
94	Same to same (No. 163)	Sept. 2	Peace conference: Mr. Christiancy's visit to Santiago doing no good; peace conference probably will be held at Arica middle of October; Chili has determided upon the appointment of three negotiators.	124
95	Same to same (No. 164).....	Sept. 9	Chili's proposed mode of warfare is a violation of neutral rights; no reply made to legation's protest; explanation of excesses of Chilian soldiery; reply to No. 98.	125
96	Same to same (No. 165)	Sept. 13	Prisoners of war: exchange of, between Chili and Bolivia; correspondence on the subject inclosed; reply to No. 100; no further action taken at Santiago in the matter.	126

2. CHILI—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1880.		
97	Mr. Osborn to Mr. Evarts (No. 167).	Sept. 17	Peace question: pernicious effect of Mr. Christiancy's visit to Santiago.	128
98	Mr. Evarts to Mr. Osborn (telegram).	Sept. 28	Peace question: "Proceed as proposed if belligerents accede; instructions to our vessels when you telegraph for them."	129
99	Mr. Osborn to Mr. Evarts (No. 169).	Sept. 30	Mediation: Government of Chili is committed to a more vigorous prosecution of the war, but our mediation may bring about peace, though it is unlikely, in consequence of the indisposition of Peru to make adequate concessions; Chili will probably not assent to an armistice pending peace negotiation; destruction of Chimbote by the Chilians; vindicatory explanations thereof; neutral property to be respected by Chilians; does not agree with Mr. Christiancy that refusal of Chili to assent to an armistice would be disrespectful to the United States.	129
100	Same to same (No. 171)	Oct. 6	Mr. Christiancy's visit to Santiago; embarrassing position in which Chili was placed by that visit; refers to his No. 167; Mr. Osborn is astonished that Chili has not withdrawn her acceptance of our mediation.	130
101	Same to same (No. 172)	Oct. 8	Mediation accepted through note from foreign office, inclosed; Chili declines to suspend hostilities pending peace negotiations.	131
102	Mr. Evarts to Mr. Osborn (No. 109).	Oct. 14	Mediation: proceedings of legation for, by the United States seem to prosper thus far; full advices awaited; no. 163, and telegram of the 9th instant, received.	132
102½	Mr. Osborn to Mr. Evarts (telegram).	Oct. 28	Conference closed without result.	133
103	Same to same (No. 173).....	Oct. 28	Peace conference: termination of; failure of peace negotiations; surprise at Peru's refusal to cede Tarapaca; Chilian expedition against Lima; armed intervention of European powers not apprehended at present.	133
104	Mr. Valderrama to Mr. Asta-Buruaga.	Nov. 11	Peace conference: Expressing regret at failure thereof, but sincere thanks for mediation and good disposition of the United States, and commending conduct of Mr. Osborn.	134
105	Mr. Evarts to Mr. Osborn (telegram).	Nov. 19	Neutrals: instructed as to taking action for protection of lives and property of, when Lima is attacked by Chilians.	135
106	Mr. Valderrama to Mr. Asta-Buruaga.	Nov. 22	Peace conference: Chili not to blame for failure of; she would not have accepted mediation of the United States and gone into the conference had she not been assured by Mr. Christiancy that Peru would cede Tarapaca.	135
107	Same to same	Nov. 22	Peace conference: embarrassing misrepresentations of Chili's attitude regarding acceptance of mediation of the United States; commendation of Mr. Osborn's course.	136
108	Mr. Osborn to Mr. Evarts (No. 181).	Nov. 23	War policy of Chili; she proposes to take Tarapaca from Peru not by right of conquest, but as indemnity for war damages; vindication of Chili's refusal to submit to arbitration; foreign office circular explaining Chili's war policy inclosed.	141
109	Same to same (No. 182).....	Nov. 30	Neutrals: protection of lives and property in the event of the capture of Lima by the Chilians; confirms his telegram of the 26th instant; incloses foreign office note that Chili has taken due precaution for the safety of neutrals and their property.	146
110	Mr. Evarts to Mr. Osborn (No. 115).	Dec. 27	Arbitration: instructed to correct erroneous impression that the United States would not cheerfully act as arbitrator, which a certain remark made by him during peace conference may have caused.	147
		1881.		
111	Mr. Osborn to Mr. Evarts (No. 187).	Jan. 3	Guano bonds of Peru: statement of position of Chili respecting payment of.	148
112	Same to same (No. 190).....	Jan. 14	Arbitration between Chili and Colombia: designation of President of the United States as arbitrator; Chili asks whether the President will accept the position; Mr. Osborn replies in the affirmative; correspondence inclosed; reply to No. 108.	149

2. CHILI—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1881.		
113	Mr. Evarts to Mr. Osborn (No. 119).	Feb. 10	Peace question: urge upon Chili the desire of the United States to bring about peace; now that the Chilians have captured Lima and Callas, it is believed that Peru will accept mediation of the United States upon any reasonable terms; advises him of instruction of this date to Mr. Christiancy.	151
114	Mr. Osborn to Mr. Evarts (No. 195).	Feb. 24	Peace conference: vindication of remarks made by him during it, in regard to arbitration; they did not make any erroneous impression on Chili as to disposition of the United States; reply to No. 115.	151
115	Mr. Osborn to Mr. Blaine (No. 198).	Mar. 23	Peace question: no prospects of early solution of; the situation in Peru; attitude of Chili; Mr. Osborn will do all in his power to effect an early peace. Chilian general's account of capture of Lima and its immediate antecedents, inclosed.	153
116	Same to same (No. 201).....	Apr. 5	Peace question: prospects for solution of, very remote; Chili's hopes in the Calderon government of Peru have been greatly weakened; demoralization in Peru prevents establishment of a stable government; course which Chili may adopt.	155
117	Mr. Osborn to Mr. Blaine (No. 202).	Apr. 6	Mediation: Great Britain, France, and Italy tender their mediation to Chili; it is rejected by Chili; the Europeans neither dissatisfied nor disappointed.	155
118	Mr. Martinez to Mr. Hitt....	May 6	Protectorate over Peru: vehemently denies rumor that Chili intends to establish the same.	156
119	Mr. Osborn to Mr. Blaine (No. 205).	May 7	Peace question: determination of Chili to strengthon the Calderon government in Peru and to treat with it for peace; Mr. Godoy, former minister to the United States, goes to Lima in charge of negotiations; recommends Chili's course; advice given her by Mr. Osborn; she will certainly insist upon cession of Tarapaca and possibly Mosquegua.	156
120	Mr. Blaine to Mr. Kilpatrick (No. 2).	June 15	Intervention: instructed to encourage disposition of Chili to restore self-government in Peru; to urge Chili to enter into negotiations for peace before deciding to take portion of Peru as war indemnity, and to endeavor to have European intervention excluded from adjustment of the peace question.	157
121	Mr. Kilpatrick to Mr. Blaine (No. 3).	Aug. 15	Peace question: reports his efforts to induce Chili to adopt views of the United States; counteracting and bad effect produced in Chili by published statements of United States minister at Lima, that United States will not allow acquisition of territory by Chili from Peru.	160
122	Same to same (No. 8)	Oct. 14	Policy of the United States: erroneous and disquieting statement by Minister Hurlbut at Lima concerning; denial of its truths and counteraction of its effects by Mr. Kilpatrick reported; note to Minister Balmaceda inclosed.	162
123	Mr. Martinez to Mr. Blaine.	Oct. 24	Complains of the conduct of Mr. Hurlbut the United States minister at Lima; extracts from newspapers inclosed, which give the cause of complaint.	164
124	Same to same	Oct. 27	Unfriendly attitude of Mr. Hurlbut, towards Chili: Mr. Martinez incloses a note from his government instructing him to ascertain if views of the United States are in accord with those of Mr. Hurlbut.	166
125	Same to same	Oct. 28	Suppression of the Calderon government of Peru by Chili: propriety with which the Chilian commander proceeded in the matter set forth.	167
126	Mr. Blaine to Mr. Kilpatrick. (No. 13).	Nov. 22	Peace question: his note to the foreign office to allay apprehension and correct false impression produced by the United States minister at Lima strongly disapproved; Chili had no grounds for apprehension and should not have applied to legation; her course in suppressing Calderon government unintelligible in view of her previous assurances, reported in legation's No. 3; arrest of Calderon regretted; hopes it is not intended as a rebuke to the United States on account of differences between him and his colleague at Lima; a special envoy will be sent to endeavor to arrange a peace; reply to No. 8.	168

2. CHILI—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1881.		
127	Mr. Blaine to Mr. Kilpatrick (telegram).	Nov. 25	Calderon government; its suppression and arrest of President Calderon are not understood by United States; special envoy leaves Washington for Chili immediately, and it is hoped that further action will await his arrival.	169
128	Mr. Martinez to Mr. Blaine.	Nov. 26	Peace question: sets forth illusory hopes and impertinent attitude of the Peruvians and the obnoxious officiousness of United States minister at Lima which, if persisted in, will render peace impossible; denies rumors that Chili's demands upon Peru are inequitable and her rule cruel.	169
129	Mr. Blaine to Mr. Kilpatrick (No. 16).	Nov. 30	Relieves him of negotiations for solution of peace question; informs him as to appointment and powers of Mr. Trescot as special envoy extraordinary and minister plenipotentiary to conduct such negotiations; appointment of Third Assistant Secretary of State as assistant to Mr. Trescot; Mr. Kilpatrick expected to aid Mr. Trescot.	171
130	Mr. Blaine to Mr. Trescot (No. 1).	Nov. 30	Personal instructions as special envoy extraordinary and minister plenipotentiary to Chili, Peru, and Bolivia to negotiate for solution of peace question.	172
131	Mr. Blaine to Mr. Walker Blaine.	Nov. 30	Personal instruction as attaché to special mission for settlement of the peace question.	173
132	Mr. Blaine to Mr. Trescot (No. 2).	Dec. 1	Reviews previous instructions and steps which led to recognition of Calderon government; the act an adoption of policy friendly to Chili; it was followed by Chilian military order forbidding Calderon government to exercise its functions; President will not assume this as done in consequence of the recognition by the United States; if such a motive should be avowed, Mr. Trescot instructed to say that it is regarded as an intentional offense, and to suspend diplomatic intercourse, but he may receive any explanation which does not involve a disavowal of Mr. Hurlbut. The United States wishes first to stop bloodshed and misery; second, to take care that the Government of the United States is treated with the consideration to which it is entitled, and would be satisfied with manifestation of purpose in Chili either to restore Calderon government or establish one which will be allowed freedom of action in negotiations. Should Chili refuse to allow formation of government not pledged to consent to cession of territory, he is to express dissatisfaction of the United States. The United States recognizes Chili's right to adequate indemnity and guarantee, but that the exercise of the right of absolute conquest is dangerous; and the United States think that Peru has the right to demand an opportunity to find indemnity and guarantee without cession of territory. The prohibition of the formation of a government is practical extinction of the State. If good offices are refused on this basis, the United States holds itself free to appeal to the other republics of the continent to join with it. Instructions given in accordance, and a temporary convention counseled.	174
133	Mr. Kilpatrick to Mr. Blaine (No. 9).	Dec. 2	Peace question: Chili promised Mr. Kilpatrick that she would not demand cession of territory as absolute condition, and that she would build up and strengthen Calderon's government; these promises would have been fulfilled but for the representations made by Mr. Hurlbut of the attitude of the United States. Reasons for suppression of Calderon; bad faith. Coming of special mission creates excitement, and alleged support by United States of the Peruvian Company scheme greatly intensifies it. Extreme illness of Mr. Kilpatrick.	179
134	Mr. Blaine to Mr. Trescot (No. 3).	Dec. 2	Congress of American governments: authorized to return home by way of Argentine Republic and Brazil and to urge the governments of those countries to accept our invitation to such Congress.	181

2. CHILI—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1881.		
135	Mr. Martinez to Mr. Blaine	Dec. 5	Calderon government; announces the imprisonment of President Calderon by Chili; reasons for; states that Chili never recognized Calderon. Peruvian General Montero has accepted the vice-presidency, and a Peruvian committee has started from Lima to bring about a peace through Montero. Gives number of forces under Pierola and his adherents. Peru unwilling to make peace upon terms proposed by Chili.	181
136	Mr. Foote to Mr. Blaine (No. 83).	Dec. 9	Peruvian bondholders; rumor of an arrangement with European powers by Chilian Government for protection of. Excitement caused by statements of United States minister at Lima. Distrust in friendship of the United States caused by same.	183
137	Mr. Blaine to Mr. Walker Blaine.	Dec. 9	Chargé; instructed to assume duties as, on his arrival at Santiago.	184
138	Mr. Blaine to Mr. Trescot (No. 4).	Dec. 16	Claims of the United States citizens *vs.* Peru: Cochet claim and Landreau claim. Explains position of the United States regarding them, in order to correct misstatements which are being circulated by the press. If Chili should acquire territory from Peru, it is expected that whatever rights Mr. Landreau may have in such territory will be respected by Chili. Correspondence with minister at Lima inclosed.	184
139	Mr. Martinez to Mr. Frelinghuysen.	Dec. 28	Political situation in Peru, statement of; war spirit and anarchy.	185
		1882.		
140	Mr. Frelinghuysen to Mr. Trescot (telegram).	Jan. 3	Pacific influence; informs him that same should be exerted, and all issues which might lead to his withdrawal from Chili avoided.	186
141	Same to same (telegram).....	Jan. 4	Impartial extension of friendly offices to both republics; exertion of pacific influence, and avoidance of possibly offensive issues, are desired by the President. Directs him not to return via Buenos Ayres. Calderon difficulty can be settled here.	186
142	Mr. Frelinghuysen to Mr. Martinez.	Jan. 7	Arrest of President Calderon; requested to repeat in writing the assurance given orally by him that it was not instigated by an unfriendly feeling towards the United States.	186
143	Mr. Frelinghuysen to Mr. Trescot (No. 6).	Jan. 9	Refers to cablegrams. Modifies previous written instructions. President desires no dictation to either power as to merits of controversy, as to indemnity, as to change of boundaries, or as to personnel of government; he has no right or inclination to dictate to independent republics; an attitude of dictation would necessitate the taxation of our people to support an army and navy for the exclusive benefit of foreign nations; his policy that of Washington; is ready to extend kindly offices of United States impartially to both parties; revokes former instruction as to suspension of diplomatic intercourse; reserves to himself the right to determine such question; does not wish Mr. Trescot to visit Atlantic republics as envoy after leaving Chili; will determine hereafter whether he wishes to enter into further negotiations for continuance of peace with selected nations without also inviting other powers. The principles controlling the relations of American republics with each other are well established, and little to be gained by reopening the subject. President prefers time for deliberation.	186
144	Mr. Martinez to Mr. Frelinghuysen.	Jan. 10	Montero's pretended administration a farce; presence of Chilian army necessary in Lima to prevent anarchy. Expedition sent by Chili against Peruvian Chief Cáceres. Peruvians responsible for consequences of their foolhardy obstinacy. Assumption of administration of finances of Peru by General Lynch. Threat of Bolivia to invade Tarapaca will not be carried out. Mr. Hurlbut's letter to the notables of Lima inclosed, with comments as to its extraordinary character.	188
145	Same to same	Jan. 10	Suppression of Calderon government; states Chili's reasons for; it was intended as an affront to the United States.	190

2. CHILI—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1882.		
146	Mr. Frelinghuysen to Mr. Martinez.	Jan. 16	Arrest of Calderon; note giving assurance that it was not intended as an affront to the United States received with gratification.	193
146½	Mr. Martinez to Mr. Frelinghuysen.	Jan. 18	Municipal government of Lima; assumption of by the Chilians announced and justified. Rival factions in Peru; incloses letter of Minister Hurlbut to the head of one of them, the guerilla chief, Cáceres, advising unification of factions and desistance from opposition to Montero. Mr. Martinez regards this as a strange document.	193

3. PERU.

		1879.		
147	Mr. Gibbs to Mr. Evarts (No. 311).	Feb. 19	Rupture of friendly relations between Bolivia and Chili, particulars of: treaty ceding certain territory to Bolivia annulled by Chili, and the territory in question taken possession of by Chili; ill feeling of Peru toward Chili, and her probable participation in the quarrel in behalf of Bolivia.	195
148	Same to same (No. 314)	Feb. 26	Hostilities between Bolivia and Chili: minister of Chili at La Paz demanded and received his passport on the 15th instant; Chilian forces in possession of Bolivia's seaports; supplies for Peru from Argentine Republic cut off.	197
149	Same to same (No. 316)	Mar. 5	Participation of Peru with Bolivia probable: statements in legation No. 314 confirmed; Chilian forces have established military and civil government at all points in Bolivia occupied by them.	198
150	Same to same (No. 317)	Mar. 12	War with Chili: note from Bolivian minister at Lima, stating that Bolivia has accepted the war forced upon her by Chili, inclosed; Chili contends that the Bolivian territory just occupied by her was ceded to Bolivia on certain conditions, which conditions not having been fulfilled, she now merely repossesses herself of her former territory; Peru is making warlike preparations, but may not take part in the struggle; various decrees of Bolivian executive inclosed.	198
151	Same to same (No. 322)	Mar. 19	Peru apparently becoming involved: decree of President of Bolivia expelling Chilians and embargoing their property inclosed.	202
152	Same to same (No. 323)	Mar. 26	Warlike preparations of Peru: session of Congress called to determine position to be taken by Peru, and to adopt suitable measures; thinks Chili will attack Peru before the latter declares war.	203
153	Same to same (No. 326)	Apr. 2	War declared against Peru by Chili: suggests that United States send war vessel to protect American interests; Bolivians defeated in a skirmish; the whole Bolivian coast occupied by Chilians.	203
154	Same to same (No. 329)	Apr. 8	Legation of the United States has expressed regret to foreign office at the rupture between the two governments; correspondence inclosed.	204
155	Same to same (No. 330)	Apr. 9	Progress of war: blockade of Iquique; movement of Peruvian troops; Chilian minister takes refuge on United States steamer Lackawanna; arrival of United States steamer Pensacola at Iquique; newspaper account of events inclosed.	210
156	Mr. Evarts to Mr. Christiancy (No. 4).	Apr. 9	Approves action of Mr. Gibbs in reporting relative to the war; expresses gratification at the decision of Peru in deciding to maintain strict neutrality.	211
157	Mr. Christiancy to Mr. Evarts (No. 6).	Apr. 29	Proclamation of President of Peru declaring that treaty between Peru and Bolivia compels Peru to go to war; incloses note from Chilian foreign office transmitting passports to Peruvian minister, and message of President of Peru to Peruvian Congress explaining his course, and reply of Congress approving it.	211

3. PERU—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1879.		
158	Mr. Christiancy to Mr. Evarts (No. 7).	Apr. 29	Neutrals domiciled in Peru: incloses joint note of diplomatic corps in Lima to Chilian admiral, setting forth duties of a belligerent toward, and warning him that his government will be held responsible for injuries which have been perpetrated upon, by Chilian naval forces.	216
159	Same to same (No. 13)	May 12	Progress and effects of war: immense injury to neutrals; possibility of revolution in Peru; her financial embarrassment; plans for its relief; coasting trade thrown open to all foreign vessels; apprehension that Bolivia will desert Peru.	218
160	Mr. Tracy to Mr. Evarts....	May 15	Incloses documents setting forth antecedents of war and copy of Peru-Bolivian treaty of defensive alliance: Peru not blamable for the war; it has been forced upon her by Chili.	221
161	Mr. Christiancy to Mr. Evarts (No. 16).	May 21	President Prado takes command of the army and navy and sails south; Luis de La Puerta, vice-president, assumes Presidency *ad interim*, and forms a new cabinet; names of new cabinet officers; the public pleased with them.	222
162	Same to same (No. 18)	May 27	Progress of war: naval engagements; financial measures.	223
163	Same to same (No. 20)	June 2	Bolivian decree authorizing privateering inclosed: it conflicts with our treaty, and legation has called attention of the United States minister at La Paz to it.	225
164	Mr. Evarts to Mr. Christiancy (No. 20).	June 18	Approves action in behalf of neutral rights reported in his No. 7; European capitalists are seeking to bring about an undue observance of such rights during present war; the United States not disposed to have belligerent rights abridged in behalf of neutrals; opinion of Attorney-General Stanbery justifying bombardment of unfortified places inclosed.	227
165	Mr. Tracy to Mr. Evarts....	June 24	Manifesto vindicating the cause of Peru inclosed.	229
166	Mr. Christiancy to Mr. Evarts (No. 25).	June 25	Privateering: refers to his No. 20, and says he has represented to minister of foreign affairs that trouble is likely to arise between the United States and Bolivia if the position of Bolivia relative to, is adhered to, and suggests that Peru so inform Bolivia.	236
167	Mr. Evarts to Mr. Christiancy (No. 24).	June 26	Privateering projects of Bolivia: copy of Department's No. 12 to the United States minister at La Paz inclosed; instructed to inform Peru that the United States does not intend to permit any violation of its neutrality laws.	237
168	Mr. Evarts to Mr. Tracy....	June 27	Note of 24th instant, inclosing manifesto vindicating Peru's cause, received.	238
169	Mr. Christiancy to Mr. Evarts (No 34).	July 15	Blockade of Iquique: question whether leaving port open at night, by withdrawal of blockading squadron and resuming position in morning, renders blockade ineffectual.	238
170	Mr. Evarts to Mr. Tracy ...	July 19	Note of 16th instant, transmitting report made to Peruvian Congress by minister for foreign affairs, which sets forth antecedents of war, received; thanks.	240
171	Mr. Christiancy to Mr. Evarts (No. 36).	July 20	Military situation at present: visit of Mr. Pettis to Lima; his and Mr. Christiancy's efforts to bring about peace; basis of peace discussed with Peruvian minister for foreign affairs; the latter's position; Peru will accept a peace proposals from Chili.	240
172	Same to same (No. 37)	July 22	Rumored proffers of mediation by the United States, based upon statements of Col. H. N. Fisher, who represented himself as special envoy from the United States to bring about peace.	244
173	Same to same (No. 39)	July 23	Question whether Chili has right, without blockading Pisagua, to stop shipment of nitrates therefrom; consul at Iquique instructed to protest against stoppage of any American vessel in the nitrate trade; blockade at Iquique not regarded as raised.	246
174	Mr. Tracy to Mr. Evarts....	July 24	Neutrality of Colombia: protest against action of Panama in preventing the shipment of munitions of war across the Isthmus as being a violation of neutrality; requests intervention of the United States.	247

3. PERU—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1879.		
175	Mr. Christiancy to Mr. Evarts (No. 41).	July 30	Bombardment of Iquique by Chilian naval forces: protest of consular corps against; correspondence between the consular corps and Chilian admiral; the latter justifies the bombardment; legation leans to the opinion that the bombardment was justifiable.	250
176	Same to same (No. 42).....	July 30	Progress of war; Peruvian successes.....	254
177	Same to same (No. 46).....	Aug. 5	Blockade of Iquique has been raised.....	255
178	Mr. Evarts to Mr. Christiancy (No. 29).	Aug. 8	Blockade of Iquique: views and proceedings set forth in his No. 34 approved; action he should take in case the blockade should at any time prove ineffectual, stated.	255
179	Same to same (No. 30)	Aug. 8	Mediation of Colombia for cessation of hostilities between the belligerents: instructed to express to Colombian envoy, who will visit Lima to proffer mediation, the friendly solicitude of the United States as to the result of his mission.	255
180	Mr. Christiancy to Mr. Evarts.	Aug. 12	False impressions created by Mr. S. Newton Pettis as to the character of his mission; condemns Mr. Pettis' course.	256
181	Mr. Seward to Mr. Christiancy (No. 32).	Aug. 18	Mediation of the United States for cessation of hostilities: approves Mr. Christiancy's reserve in conversing with Col. H. N. Fisher, who has no official connection with Government of the United States; Department imparted to him its positlon on the subject of mediation; reply to No. 37.	258
182	Mr. Seward to Mr. Christiancy (No. 33).	Aug. 18	Mr. Christiancy's efforts and suggestions in behalf of cessation of war approved; reply to No. 36.	258
183	Same to same (No. 34)	Aug. 18	Blockade of Iquique: instruction to consul, inclosed in his No. 39, in regard to, approved.	259
184	Mr. Seward to Mr. Tracy ...	Aug. 19	Transportation of munitions of war across the Isthmus of Panama: his note of 24th ultimo, asking the Department to request Colombia to permit same, will receive consideration.	259
185	Mr. Tracy to Mr. Evarts ...	Aug. 22	Transportation of munitions of war across the Isthmus of Panama: Colombia has disapproved action of Panama in preventing same.	259
186	Mr. Seward to Mr. Christiancy (No. 36).	Aug. 25	Bombardment of Iquique: views of legation and its dispatch to consul at Iquique upon the subject approved; reply to No. 41.	260
187	Mr. Christiancy to Mr. Evarts (No. 47).	Aug. 26	Peace question: asks whether it would be proper for United States to offer mediation, and whether the United States would accept position of arbitrator; belligerents not disposed for peace; they desire first to try their strength; remarks of Mr. Christiancy to Colombian envoy; great regard manifested by Peru and Bolivia for the United States; mistaken views of Mr. Pettis as to prospect of peace.	260
188	Same to same.....	Sept. 1	Peace question: notes to United States ministers at Santiago and La Paz, setting forth views of Mr. Christiancy as to course which should be pursued by the legation of the United States in belligerent countries, inclosed.	262
189	Same to same (No. 49)	Sept. 2	Peace question: imprudence of Mr. Pettis has given rise to the impression in Chili that the United States intends to intervene; newspaper articles exhibitory of this impression inclosed, states what has been Mr. Christiancy's position in conversing on the subject of peace.	264
190	Mr. Tracy to Mr. Evarts ...	Sept. 4	Documents setting forth unjustness of Chili's cause, inclosed; principal events of the war; Peru's successes thus far; reprehensible character of warfare practiced by Chili; will keep the department advised as to progress of the war.	267
191	Mr. Hunter to Mr. Tracy ...	Sept. 10	Note of 4th instant, narrating events of war, received, and will be duly considered.	270
192	Same to same	Sept. 10	Transportation of munitions of war across the Isthmus of Panama; note of 22d ultimo, stating that Colombia has disapproved action of Panama in prohibiting such transportation, received.	270
193	Mr. Christiancy to Mr. Evarts (No. 53).	Sept. 10	Peace question: reports having assured Colombian envoy, in advance of receipt of Department's 30, that the legation would co-operate with him in any reasonable measures for peace; Bolivia and Peru desire peace as soon as possible; they seriously apprehend obnoxious foreign intervention; they would welcome any efforts	270

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194	Same to same (No. 59)	Sept. 17	Peace question: ostentatious pretensions of Colonel Fisher, bearer of dispatches, have tended to place the United States in a ridiculous attitude; newspaper articles in reference to Mr. Fisher's supposed mission, inclosed; has informed foreign office that the United States will be ready to mediate for peace whenever she shall be requested to do so by the other belligerents.	272
195	Same to same (No. 61)	Sept. 24	Visit of Mr. Pettis and Mr. Fisher: newspaper article ridiculing their course, and expressing indifference as to whether the United States shall tender its good offices or not, inclosed; Peru and Bolivia anxious for peace, and for the employment by the United States of its good offices when the proper time arrives; has again informed Peruvian Government that the United States will be ready to mediate when asked by the belligerents to do so.	273
196	Same to same (No. 62)	Sept. 24	Privateering on the part of Bolivia: England has increased her naval force on the Pacific for protection of British commerce; Bolivia has no port to which prizes could be brought for adjudication, and it is very doubtful whether she can use Peru's ports for such a purpose; instructions relative to privateering requested.	275
197	Same to same	Sept. 24	Letter to United States minister at Santiago relative to a course for him to pursue in regard to peace, which Mr. Christancy regards as the only one that can be successful, inclosed.	275
198	Mr. Hunter to Mr. Christiancy (No. 39).	Oct. 1	Views which have been expressed by minister in conversation in Lima, concerning peace question, approved; the United States does not tender its good offices for peace, but will not hesitate to use them for that purpose if called upon by belligerents to do so; the United States will not engage in any intervention which is not solicited, or which is in disparagement of belligerent rights; Mr. Pettis's unauthorized and rash experiment in visiting Lima and Santiago has had some good effects; statements in Chilian newspapers adverse to Mr. Pettis regarded as unfounded.	277
199	Mr. Evarts to Mr. Christiancy (No. 40).	Oct. 13	Pacific instructions requested in his No. 59 have already been given; approves action reported in his No. 59; instructs him as to correction of any wrong impression which may have been created by Mr. Pettis or Mr. Fisher as to policy of the United States; he may pledge immediate action by the United States for peace, provided no other government be invited to mediate.	278
200	Mr. Christiancy to Mr .Evarts (No 64).	Oct. 14	War indemnities: should be pecuniary, not territorial; capture of the monitor Huascar by Peruvian fleet reported; this event is unfavorable for peace.	278
201	Mr. Tracy to Mr. Evarts ...	Oct. 17	Betrayal of Peru by Bolivia: documents inclosed showing effort of Chili to induce same; severely animadverts upon this effort of Chili.	279
202	Mr. Seward to Mr. Tracy	Oct. 21	Betrayal of Peru by Bolivia: documents tending to show efforts of Chili to induce same, which accompanied his note of 17th instant, will be considered.	282
203	Mr. Seward to Mr. Christiancy (No. 42).	Oct. 22	Approves his suggestion to Mr. Osborn as to his course: Department adheres to policy indicated in previous instructions; reply to No. 62½.	282
204	Mr. Christiancy to Mr. Evarts (No. 70).	Oct. 28	Prospects as to future hostilities; present inactivity.	282
205	Same to same (No. 75)	Nov. 3	Progress of war: prospects.....	283
206	Same to same (No. 80)	Nov. 11	Interdiction by Peru of commerce with Chili: question as to conflict between decree of interdiction and our treaty with Peru; decree inclosed; position of England and France on subject.	285
207	Same to same (No. 83)	Nov. 19.	Progress of war: prospects as to military operations; large defensive force at Lima.	287

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208	Mr. Hay to Mr. Christiancy (No. 47).	Nov. 26	Communication between legation and Department: if same should be cut off by Chili, he should not adopt any special means of communication, except in case of absolute necessity.	288
209	Mr. Christiancy to Mr. Evarts (No. 87).	Nov. 26	Blockade of Iquique by Chilian war vessel, reported.	289
210	Same to same (No 88)	Nov. 26	Progress of war: a signal victory for Chili; mutiny of Bolivian troops; rumored desertion of Peru by Bolivia and alliance with Chili; revolution expected in Peru; instructions invited with respect to recognition of a new government in Peru.	289
211	Same to same (No. 90)	Dec. 3	Capture of Iquique and blockade of Arica by Chilians; resumption of Presidency by General Prado; new ministry; Peruvian victory at Arica; Pierola does not desire to become dictator at present.	291
212	Same to same (No. 91)	Dec. 7	Political: change of ministry; manifesto of Pierola, setting forth his position, and condemning the constitution of Peru as the source of all Peru's calamities; Mr. Christiancy shows, however, that the constitution is a very flexible one and need not embarrass the government; Peru requires just such a constitution; decree whereby the government monopolizes purchase of silver produced in Peru, and increases export-tax on sugar, inclosed.	292
213	Same to same (No. 93)	Dec. 16	Very little progress in war: port of Ilo blockaded by Chilian navy; allied troops massing at Arica; enlistments for Peruvian army active; disaffection in Bolivia turns out to have been in favor of vigorous support instead of desertion of Peru; depreciation of Peruvian paper currency.	295
214	Same to same (No. 94)	Dec. 23	Revolution in Peru: departure of President Prado for United States, on 18th instant, leaving vice-president as President; motives for this action on part of Prado; want of confidence in the government, and a general wish for assumption of the government by Pierola manifested immediately upon Prado's departure; fight between Pierolists and government troops near the United States legation in Lima; army declares for Pierola; noble conduct of Prado's minister of war; government abdicates, and Pierola assumes control of affairs without opposition; character of Pierola; instructions as to recognition of his government requested; explanatory documents inclosed.	296
215	Same to same (No. 97)	Dec. 24	Legation's instructions to consul at Iquique, as to his duties while that port remains in possession of the Chilians, inclosed.	301
216	Same to same (No. 98)	Dec. 31	Refers to legation's No. 94, and incloses the decree of Pierola, and letter written by President Prado, at Guayquil, while en route to the United States; these papers show the character and status of present Government of Peru.	302
217	Same to same (No. 99)	Dec. 31	Question of recognition of Pierola's government: conference of diplomatic corps; all of the corps but Mr. Christiancy decide to recognize Pierola; Mr. Christiancy informs foreign office that recognition of the new government is not within his discretion, and he must await Department instructions, but he will attend at public ceremonies upon the understanding that such course shall not be construed as recognition.	306
		1880		
218	Same to same (No. 102).....	Jan. 6	Progress of war: Chilian successes and probable projects; massing of troops by Peru at Lima and Callao; deposition of General Daza from command of Bolivian army; rumor of revolution in Bolivia; financial condition of Peru more likely to grow worse than to improve; speculation as to use to be made of Peruvian forces now at Callao and Lima.	307
219	Same to same (No. 103).....	Jan. 7	Refers to legation's No. 94, and incloses protest of General de la Cotera who was Prado's minister of war; character of General de la Cotera; objectionableness of Pierola's government owing to its dictatorial character; said government is conciliating the Roman Catholic influences, to which it owes its existence; it is more active, vigorous, and consistent of purpose than its predecessor, and merits recognition.	308

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		1880.		
220	Mr. Christiancy to Mr. Evarts (No. 104).	Jan. 14	Decrees of the Dictator of Peru regarding foreign debt of Peru, guano contracts and guano loan, state obligation, release of the "Luxor" and income tax, inclosed: observations respecting case of the "Luxor"; declension of Mr. Christiancy to express an opinion in regard to it when asked to do so.	311
221	Same to same (No. 105).....	Jan. 14	Damages to American property by Chilian forces: inclosed dispatch from consul at Lambayeque reporting same, and letter addressed by Mr. Christiancy to Mr. Osborn informing latter as to the damages, for the purpose of having him bring the matter to the attention of the Chilian Government.	317
222	Mr. Calderon to Mr. Evarts.	Jan. 14	Blockades of Peruvian ports which Chili proclaims established, are paper blockades, not effective, and should be disregarded by neutrals; interdiction of commerce with Chili by previous administrations of Peru has been annulled.	318
223	Same to same.....	Jan. 14	Neutral vessels carrying guano from deposits in ports of Peru which have been occupied by Chilian forces; Peru claims right to seize them.	319
224	Mr. Christiancy to Mr. Evarts (No. 106).	Jan. 21	Decrees of Dictator of Peru respecting Peruvian Nitrate Company, rights of railway constructors, currency, civil and penal codes, and the value of the paper sole, fixing export tax on sugar, and suppressing a newspaper, inclosed; circulars of Peruvian foreign office respecting inefficiency of blockade established by Chilian navy and denying rights of neutral vessels to transport guano from Peruvian deposits which are now in possession of Chili, also inclosed; instructions on last-mentioned subject requested.	320
225	Same to same (No. 108).....	Jan. 21	Progress of war.....	322
226	Mr. Evarts to Mr. Christiancy (telegram).	Jan. 24	Recognition of Pierola's government: leaves time and manner of, to minister's discretion.	322
227	Same to same (No. 55)	Jan. 26	Recognition of Pierola's government: question of, is left to ministers.	322
228	Mr. Christiancy to Mr. Evarts (No. 111).	Jan. 28	Blockade of Mollendo by Chilian forces: instruction given by legation to consular agent at Arica respecting observance of, inclosed.	323
229	Same to same (No. 112)	Jan. 28	Submits question as to rights of consul at Iquique, which is now in possession of Chilian troops, to grant clearances to vessels loaded with nitrate taken from beds which belong to Peru, but are now in possession of Chili; letter to the consul advising him not to give clearances to such vessels and instructing him as to his duties in his present anomalous position, inclosed.	324
230	Mr. Evarts to Mr. Tracy....	Jan. 31	Recognition of Pierola's government: ceremonial letter received; friendly expressions.	326
231	Mr. Evarts to Mr. Christiancy (No. 57).	Feb. 4	Recognition of Pierola's government: instructed to recognize Pierola's government if he has not already done so; note of the 31st ultimo from Department to Peruvian chargé, inclosed.	326
232	Mr. Christiancy to Mr. Evarts (No. 115).	Feb. 10	Recognition of Pierola's government: note to foreign office recognizing said government, inclosed.	327
233	Same to same (No. 117)	Feb. 11	Belligerent rights: refers to his No. 112, and incloses letter to consul at Iquique, stating that in his previous letter by granting of clearances he meant delivery to vessels of their papers.	327
234	Mr. Evarts to Mr. Christiancy (No. 58).	Feb. 18	Damages to American property by Chilian forces at Lobos Island; action of legation as reported in No. 105 approved.	328
235	Same to same (No. 63)	Mar. 1	Denies right of Peru to seize neutral vessels loaded with nitrates taken from beds which belong to Peru, but which are now in military possession of Chili, as treaty provides that free ships make free goods; instructed to enjoin Peru not to enforce her claimed rights; reply to No. 106; notes to foreign office in reply to its circulars inclosed for delivery.	328
236	Mr. Evarts to Mr. Calderon.	Mar. 1	Neutral vessels loaded with nitrate taken from beds which belong to Peru and are now in military possession of Chili; right claimed by Chili to seize same; United States legation at Lima will inform Peru of Department's views on subject; reply to note of 14th January.	29

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237	Mr. Evarts to Mr. Calderon	Mar. 1	Blockades established by Chili at Peruvian ports: inefficiency of; if Chili seizes any American vessel for entering a port which is insufficiently blockaded she will be required to make reparation; reply to note of 14th January.	330
238	Mr. Evarts to Mr. Christiancy (No. 64).	Mar. 1	Blockade of Mollendo by Chilian squadron; legation's instruction to consular agent at Arica relative to, approved; instructed to take no notice of any manifesto on subject unless it is addressed to him in his official capacity.	330
239	Same to same (No. 65)	Mar. 2	Belligerent rights of Peru: question as to authority of consul at Iquique, which is now in possession of the Chilians, to grant clearances to vessels loaded with nitrates taken from beds belonging to Peru, but now in military possession of Chili; No. 112 received; consuls have no right to grant clearances under any circumstances; local authorities alone have such rights; when these authorities grant vessels clearances consuls should deliver to such vessels their papers; consul cannot gainsay opinion of the existing authority at his port as to what may be lawfully exported; Peru's resentment at exportation of these nitrates is natural, but her assertion of right to seize neutral vessels loaded with them is contrary to public law and will not be admitted by foreign governments.	331
240	Mr. Christiancy to Mr. Evarts (No. 123).	Mar. 3	Decrees of Dictator of Peru inclosed; calls special attention to one of them restraining newspaper attacks upon individuals and private character; the principle of this decree might be adopted advantageously by other countries.	333
241	Mr. Tracy to Mr. Evarts	Mar. 9	Refutation of recent newspaper statement that Bolivia had deserted Peru.	335
242	Mr. Evarts to Mr. Christiancy (No. 69).	Mar. 10	Recognition of government of Pierola; action of legation, as reported in 115, approved.	336
243	Mr. Christiancy to Mr. Evarts (No. 133).	Mar. 17	Progress of war: bombardments by Chilian naval forces.	336
244	Mr. Calderon to Mr. Tracy..	Mar. 17	Protest of Peru against Chili's barbarous mode of warfare, and her course in regard to Peruvian nitrate deposits; insufficiency of blockades established by Chili; neutral vessels disposing, for benefit of Chili, of nitrates which Peru considers hers, regarded by Peru as enemy's vessels; Chili wages war against neutrals; friendly feeling of United States towards both belligerents; her readiness to mediate; circulars and decrees inclosed.	337
245	Mr. Evarts to Mr. Tracy	Mar. 22	His note of 9th instant, denying rumor of desertion of Peru by Bolivia, acknowledged.	344
246	Mr. Christiancy to Mr. Evarts (No. 137).	Mar. 23	Progress of war: barbarous warfare waged by Chili; commendation of the present Government of Peru.	344
247	Same to same (No. 138)	Mar. 24	Rights of humanity are paramount to belligerent rights; diplomatic corps is to have a conference in which Mr. Christiancy will advocate a protest against Chili's inhuman mode of warfare; circular of Peruvian Government respecting the inhumanity of Chili's war, and declaring neutral vessels loading guano from the Peruvian beds which are in possession of Chili to be enemy's vessels, inclosed.	346
248	Same to same (No. 139).....	Mar. 24	Trade between United States and Peru: how it could be increased; Peru will subsidize an American line of steamers; Peru's hostile feeling towards England, and kind feeling towards the United States.	347
249	Same to same (No. 140).....	Mar. 24	Dispatch from consul at Lambayeque, protesting against wanton destruction of life and property which Chili proposes to engage in, inclosed; Mr. Christiancy has sent a copy of it to the United States legation at Santiago.	349
250	Same to same (No. 145).....	Mar. 31	Protest of American citizens in Peru against mode of warfare adopted by Chili, inclosed; diplomatic corps considering what steps to take for protection of rights of neutrals; Chili's barbarous mode of warfare.	351

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252	Same to same (No. 151).....	Apr. 6	Neutral vessels loaded with guano taken from Peruvian beds now in possession of Chili; note to foreign office denying right of Peru to seize same, inclosed; impracticable for Peru to make such seizure; reply to No. 63.	354
253	Same to same (No. 156).....	Apr. 14	Progress of war: blockade of Callao by Chilian naval vessels; liberal warning given neutrals and non-combatants of impending bombardment; further depreciation of Peruvian paper currency.	355
254	Same to same (No. 157).....	Apr. 18	Progress of war: proposed bombardment of Callao; correspondence between diplomatic corps and Chilian admiral respecting immunity of neutrals, inclosed.	356
255	Mr. Evarts to Mr. Christiancy (No. 76).	Apr. 19	Menacing and violation of neutral rights by Chili; protest will be addressed to Chilian minister here against injury to the United States citizens; instructed to protest to Peru, in event of her resorting to wanton destruction of life and property, as Chili has done; reply to 140.	359
256	Same to same (No. 77).....	Apr. 23	Exchange of prisoners of war between Bolivia and Chili; No. 3 to the United States minister at La Paz inclosed.	359
257	Mr. Tracy to Mr. Evarts....	Apr. 26	Blockade of Callao by Chilians, and substitution of other entry ports by Peru for Callao, reported.	359
258	Mr. Evarts to Mr. Tracy....	Apr. 28	Blockade of Callao by Chilians and opening of other ports by Peru instead: announcement of, received and communicated to Treasury.	360
259	Mr. Christiancy to Mr. Evvarts (No. 159).	Apr. 28	Progress of war: bombardment of Callao; insignificance of its effect; blockade of Ancon by the Chilians apprehended.	360
260	Same to same (No. 162).....	May 5	No fighting since date of legation's No. 159; blockade of Callao is strictly enforced; blockade of Ancon expected.	361
261	Same to same (No. 165).....	May 12	Rebombardment of Callao; very little damage done; blockade of Ancon by the Chilians; rumored victory for Peruvian troops; there is no talk of peace.	361
262	Same to same (No. 172).....	May 28	Nothing can be done towards restoration of peace until after a decisive battle on land; Peru will not accept such humiliating terms as Chili is likely to offer; correspondence with the United States minister at Santiago inclosed.	362
263	Same to same (No. 173).....	June 7	Chilian sucesses on land; capture of Tacna; Peruvian heroism in a naval engagement; peace question.	363
264	Same to same (No. 175).....	June 10	Chili prefers charges against Consul Merriam, at Iquique, of assisting Peru in the war; correspondence with United States minister at Santiago, and letter to consul requesting explanations, inclosed.	366
265	Same to same (No. 177).....	June 13	Capture of Tacna and Arica by the Chilians; defeat of the allies at Tacna was a crushing one; peace question; conversation with President Pierola; services of diplomatic corps offered him for peace in event of Chili's making a proposition.	368
266	Same to same (No. 178).....	June 19	Blockade of Chancay by the Chilian navy; outrageous conduct of the Chilian soldiery at Arica.	372
267	Same to same (No. 179).....	June 20	Proclamation of President Pierola respecting the defeat of the allies at Tacna inclosed; it is very defiant and may conduce to peace; protocols respecting federation of Peru and Bolivia inclosed; it is proposed that the federation take place in December, 1880; rise in the value of the paper sole of Peru.	373
268	Mr. Hay to Mr. Christiancy (No. 90).	June 30	Charges preferred by Chili against Mr. Merriam, consul at Iquique, of assisting Peru in the war; instructed to investigate the same, and if they prove well founded, to remove Mr. Merriam.	378
269	Mr. Christiancy to Mr. Evarts (No. 183).	July 5	Particulars of the capture of Tacna and Arica by the Chilians; gross barbarities committed by them; destruction of the Chilian transport "Loa"; insult to American flag and destruction of the house occupied and owned by Charles A. Nugent, the United States consular agent (it being the consulate), by the Chilians at Arica.	379

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271	Same to same (No. 185).....	July 9	Decrees of government inclosed and discussed	382
272	Mr. Evarts to Mr. Christiancy (No. 93).	July 30	Mode suggested by United States minister at Santiago of rendering good offices of United States available for cessation of hostilities approved; confirms Department's telegram of 29th instant.	385
273	Mr. Christiancy to Mr. Evarts (No. 190).	Aug. 14	Peace: reports his intention to start to-morrow for Santiago to negotiate for; European intervention; has confidential but authentic information that Chili is willing to make a proposition for peace through a third power.	386
274	Mr. Hay to Mr. Christiancy (No. 97).	Aug. 16	Mediation: advises him of disposition of Chili to accept our mediation and asks what is the disposition of Peru.	387
75	Same to same (No. 99).....	Aug. 16	Iquique: charges *vs.* Consul Merriam of having assisted Peru in the war, preferred by Chili; approves course reported in his 175.	387
276	Same to same (No. 102).....	Aug. 25	Outrage perpetrated upon the United States consul and flag at Arica by Chilian soldiery; further information relative to requested; reply to No. 183.	387
277	Mr. Christiancy to Mr. Evarts.	Sept. 12	Reasons for going to Santiago; learned through an intercepted letter of Chili's disposition to negotiate for peace.	388
278	Same to same (No. 191).....	Sept. 13	Mediation of the United States: acceptance by Chili; Peru will accept formally to-day; unsuccessful steps towards mediation taken by other powers; Bolivia's views requested; form of proposed mediation.	389
79	Same to same (No. 194).....	Sept. 17	Peru accepts mediation of United States, but protests against levying by Chilian forces upon private property on northern unfortified coast of Peru; note inclosed; efforts of Mr. Christiancy for protection of neutral property and for cessation of hostilities during peace negotiations; refusal of Chili to assent to armistice would be disrespectful to the United States, and would prevent mediation; reports his explanation to diplomatic corps at Lima of his proceedings; chagrin of Italy, France, and England at non-acceptance of their mediation; notes to Chilian commanders and to our minister at Santiago inclosed.	392
280	Same to same (No. 195).....	Sept. 18	Charges preferred against consul at Iquique, of assisting Peru in the war; consul denies the same; charges not substantiated; reply to No. 90.	397
281	Same to same (No. 197).....	Sept. 30	Arbitration of the United States is now preferred by Peru to mediation, owing to belief that Chili's demands will be too exorbitant, but she has yielded to Mr. Christiancy's persuasion to proceed to negotiation under our mediation; Chilian outrages so exasperated Peru that the conference project would have failed had it not been for Mr. Christiancy's strenuous efforts to save it.	399
282	Same to same (No. 198).....	Oct. 21	Conference: energetic and finally successful efforts of Mr. Christiancy to bring negotiators together; first meeting; Chilian proposition submitted; demands very excessive and seemingly not to be insisted upon; another meeting to-morrow, at which reply of the allies will be submitted.	400
283	Mr. Garcia to Mr. Evarts....	Oct. 25	Mediation of United States for peace between Peru and Chili; states that Peru has accepted same and deserves great credit for doing so; has little or no hope of successful termination of peace negotiations, owing to the probable insistence by Chili upon terms that Peru cannot accept.	402
284	Mr. Christiancy to Mr. Evarts (telegram).	Oct. 27	Failure of peace negotiations; Peru refuses Tarapaca; Chili rejects arbitration of United States.	403
285	Same to same (No. 200).....	Nov. 2	Conference: failure of; blames Chili therefor; Chili prevented from making peace by popular feeling for war; protocols of proceedings of peace conference inclosed; expected attack on, and pillaging of, Lima.	403
286	Same to same (No. 202).....	Nov. 2	Arbitration of the United States: gives text of his telegrams of 28th ultimo and 1st instant; states his reasons for sending the said telegrams; unwillingness of Mr. Osborn to telegraph that Chili had refused arbitration of the United States.	419

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288	Mr. Calderon to Mr. Evarts.	Nov. 5	Responsibility of the war and its attendant horrors: circular exonerating Peru from, and charging Chili with, and condemning Chili's methods and motives; protocols of proceedings of peace conference inclosed.	420
289	Mr. Hay to Mr. Christiancy (No. 108).	Nov. 9	Charges preferred against consul at Iquique of assisting Peruvians in the war: approves investigation of legation; instructed to give proper attention to any further evidence in the matter which may be adduced.	423
290	Mr. Christiancy to Mr. Evarts (No. 209).	Nov. 11	Intervention of England and France: grounds for apprehending same stated; British and French ministers opposed our mediation and urged cession of Tarapaca; their motive was protection of interests of bondholders; admitting such cession to be wise, it is not proper for a foreign power to dictate it and thus intrench on the sovereign prerogatives of the allies; intervention would be tantamount to giving active aid to victorious Chili to crush Peru; will protest against it if attempted.	424
291	Mr. Evarts to Mr. Garcia...	Nov. 13	Mediation of United States between Peru and Chili: advises him of failure of; regret and chagrin of Department; United States will welcome any further opportunity it may have presented to it to promote restoration of peace; reply to note of 25th ultimo.	426
292	Mr. Evarts to Mr. Christiancy (No. 109).	Nov. 27	Neutrals: protection of lives and property of, in the event of an attack by the Chilians upon Lima; gives text of Department's telegram of 19th instant to legation at Santiago.	426
293	Mr. Garcia to Mr. Evarts...	Nov. 27	Mediation of the United States for peace between Peru and Chili: telegram received from his government reporting failure of peace negotiations inclosed.	427
294	Mr. Evarts to Mr. Garcia...	Dec. 1	Mediation of the United States between Peru and Chili: failure of peace negotiations regretted; note of 27th ultimo received.	427
295	Mr. Evarts to Mr. Christiancy (No. 112).	Dec. 13	Peace negotiations: failure of regretted; the United States still stands ready to do whatever it properly can to bring about peace; reply to No. 200.	427
296	Mr. Garcia to Mr. Evarts...	Dec. 18	Peace negotiations under auspices of United States: circular of his government exonerating Peru from, and charging Chili with, blame for failure of, inclosed.	428
297	Mr. Hay to Mr. Garcia	Dec. 22	Mediation of United States between Peru and Chili: failure of; his note of 18th instant transmitting circular from his government censuring Chili received.	430
298	Mr. Christiancy to Mr. Evarts (No. 226).	Dec. 31	Peace question: attacks of Chilian press upon course pursued by Mr. Christiancy; result of Mr. Osborn's excessively friendly disposition towards Chilian Government and malice of Mr. Montjoy, consul at Lambayeque towards Mr. Christiancy; letter to Mr. Osborn in which Mr. Christiancy vindicates his course inclosed; unfair treatment of Mr. Christiancy by Mr. Osborn.	430
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299	Same to same (No. 230)	Jan. 22	Capture of Lima by the Chilians: dangerous position and undignified movements of the diplomatic corps on the occasion; conduct of the Chilians in and around Lima; refugees in legation; outrages to property under protection of United States legation at Lima resulting from conduct of United States minister at Santiago and consul at Lambayeque; Pierola, the only government of Peru, is a fugitive; Chilians would like him to come back to treat for peace.	434
300	Mr. Evarts to Mr. Christiancy (No. 119).	Jan. 25	Neutrals: jeopardization of lives and property of, by Peru in sending adrift vessels loaded with explosive materials; instructed to remonstrate if he shall ascertain that such course has been pursued by Peru.	435

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301	Mr. Christiancy to Mr. Evarts (No. 237).	Feb. 2	Account of occupation of Lima by the Chilians: events and outrages previous and subsequent thereto; Chilian commander doing all in his power to restrain lawlessness; Peruvian rabble incensed at action of neutrals in the interest of order; peace question; Chilians embarrassed by their victory; no Government of Peru accessible to treat with; question as to responsibility for violation of armistice which resulted in battle of Miraflores; Chilians have declared unwillingness to accept mediation of a foreign government for peace.	436
302	Mr. Pierola to Mr. Garcia...	Feb. 8	Evacuation of Lima and Callao by the Peruvians: Government of Peru determined to resist to the last extremity, but not unwilling to treat for peace upon honorable terms; would like the United States to arbitrate peace question.	441
303	Mr. Evarts to Mr. Christiancy (No. 123).	Feb. 10	Desire of United States to bring about peace: instructed to urge same upon Peruvian Government, and upon such Chilian officers as he may meet; Peruvians having evacuated Lima and Callao, Peru desires foreign aid in behalf of peace, as appears from a telegram just received from the Peruvian minister here.	441
304	Mr. Christiancy to Mr. Evarts (No. 240).	Feb. 15	Neutral property: destruction of, by Chilians when they wantonly burned the towns of Chorrillos, Barranco, and Miraflores; consequent claims; instructions as to course to pursue in regard to them requested; correspondence inclosed.	441
305	Same to same (No. 242).....	Feb. 16	Foreign mediation declined by Chili, who will not treat with Pierola until a note offensive to Chili written by his secretary to dean of diplomatic corps be withdrawn; Pierola a fugitive in the mountains; until he resigns none of the prominent men of Peru will assume reins of government; courts in Peru refuse to perform their functions; martial law has been established in consequence; commendable conduct of Chilians in Lima for preservation of order; Peru prostrate and under complete control of Chili; terms of peace will bes uch as Chili chooses to dictate; Peru will probably have to surrender a great deal more than Tarapaca; levying of forced contributions by Chilians; possibility of partitioning of Peru among her neighbors, Chili, Ecuador, and Brazil.	447
306	Mr. Evarts to Mr. Christiancy (No. 129).	Feb. 17	Scheme of the Société générale de crédit industrial et commercial for liquidation of financial obligations of belligerents: authorized to submit the same for consideration in connection with discussion of peace question; may advise Mr. Osborn and Mr. Adams.	449
307	Mr. Christiancy to Mr. Evarts (No. 243).	Feb. 19	Offensive note written by Pierola's secretary which Chili insists on being withdrawn, inclosed with comments; the note charges the Chilians with various misdeeds, the most important being perfidy in violating armistice and attacking the Peruvians at Miraflores; Mr. Christiancy thinks this charge not well founded, but believes in the others, viz, murdering of wounded Peruvians and destruction of towns.	452
308	Same to same (No. 245).....	Feb. 25	New government project: prospects of success or failure; Chili has declined to treat with Pierola; position of Bolivia.	456
309	Same to same (No. 251).....	Mar. 8	Explosive materials: practice of Peru in setting adrift vessels loaded with, to damage enemy's cruisers; knows of only three such cases; in none of them was neutral commerce jeopardized; particulars given; reply to No. 119.	458
310	Same to same (No. 253).....	Mar. 8	Mediation of the United States: cannot urge same upon Chilian authorities because Chili has decided to accept no foreign mediation and will not treat with Pierola; explains why he did not advise Department by telegraph of fall of Lima.	459
311	Same to same (No. 254).....	Mar. 9	New government project: failure of; Pierola has called election of a congress to be held in June next; Chilians are exacting war contributions from Peruvians; injustice of doctrine of war contributions, especially as practiced by Chilians; rumored vandalistic intentions of Chilians;	460

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311	Mr. Christiancy to Mr. Evarts (No. 254)—Continued.	Mar. 9	rapine and bloodshed vehemently advocated by most influential portion of Chilian press: circular issued by Pierola deprecatory of Chili, and orders of Chili as to war contributions, inclosed.	
312	Same to same (No. 256).....	Mar. 16	Vandalism of Chili in taking away from Peru works of art, libraries, laboratories, &c., reported: Mr. Christiancy would like to protest; motives which have prevented him from doing so.	465
313	Same to same (No. 257).....	Mar. 16	New government project: revival and success of; formation of a new provisional government; F. G. Calderon, president, M. M. Galvez, minister for foreign affairs; newspaper accounts inclosed; question as to recognition of new government submitted.	466
314	Same to same (No. 261).....	Mar. 21	Foreign mediation: indisposition of Chili to accept same; her apparent determination to make Peru suffer the utmost of national humiliation; foreign intervention the only thing that can prevent this determination; injurious to the interests of neutrals to have Peru humiliated; has informed Chili of the desire of the United States to bring about a lasting peace; reply to No. 123.	467
315	Same to same (No. 262)	Mar. 21	Peace question: scheme for restoration of peace by means of financial arrangement; only the active intervention of United States can be influential now; annexation of Peru to United States suggested, or establishment of a protectorate over Peru by United States; Great Britain more influential with Chili.	468
316	Same to same (No. 263).....	Mar. 22	Vandalism of Chilians in taking from Peru works of art, &c.: letter from Peruvian librarian reporting and deprecating same inclosed.	469
317	Same to same (No. 264).....	Mar. 23	Views of the United States in regard to accomplishment of peace communicated to new government: recognition of new government; has informed new minister for foreign affairs that new government will be recognized by United States as soon as by people of Peru; I. M. Cantuarias has been sent to United States as envoy of new government.	471
318	Same to same (No. 265).....	Mar. 23	Vandalism of Chilians in taking works of art, &c., from Peru: newspaper article vindicating same inclosed.	472
319	Same to same (No. 266).....	Mar. 23	War contribution exacted from Peru by Chili: steps taken by new government for payment of; time extended by Chili; new government has called upon the people for loan of the money; terms of loan; provisions for its reimbursement; hardly probable that it will be voluntary; likely that it will be forced.	473
320	Same to same (No. 273).....	Mar. 31	New government seems unlikely to be accepted by people of Peru.	474
321	Same to same (No. 276).....	Apr. 4	Vandalism of the Chilians: modifies statement contained in his No. 256.	474
322	Same to same (No. 277).....	Apr. 4	War contribution: proposed exaction of, from Americans; denies right of Peru to make such exaction; has advised Americans if they pay at all to pay under protest; new government has thus far lost rather than gained in popular favor; provinces on which it relied for support adhere to Pierola.	474
323	Same to same (No. 278).....	Apr. 5	Confederation between belligerents: advocacy of, by Chilian press of Lima and its motives; impracticability of such confederation.	476
324	Same to same (No. 282).....	Apr. 13	Forced loans: non-liability of Americans in Peru to payment of; instructions to consular-agent at Pacasmays, in the sense of legation's dispatch No. 277, inclosed.	477
325	Same to same (No. 283).....	Apr. 13	Calderon's government: majority of people opposed to; if said government had been formed without the appearance of support of the Chilians it would probably have been accepted; this government favors peace; Pierola is for continuance of war.	478
326	Same to same (No. 285).....	Apr. 17	Progress of war: reasons for supposing that Chili intends to attempt conquest and annexation of the whole of Peru; Pierola is keeping up a show of government in his mountain asylum.	479

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328	Mr. Elmore to Mr. Blaine....	May 4	Calderon government: recognition of, requested; copy of his credentials inclosed; Peru desires intervention of United States for restoration of peace.	482
329	Mr. Christiancy to Mr. Blaine	May 4	Wretched condition of Peru: subjugatory designs of Chili; their realization will injuriously affect our trade; Great Britain's control of South American trade; how United States might gain control; recommends annexation of Peru by United States.	485
330	Same to same (No. 292)....	May 5	Miraflores: breach of armistice at; statement of diplomatic corps inclosed, from which Mr. Christiancy deduces that Chilians are responsible therefor.	490
331	Same to same (No. 295).....	May 8	War contributions: Peruvian authorities at Pascamaya have desisted from levying same on United States citizens.	492
332	Same to same (No. 296).....	May 9	Annexation of Peru to Chili: the latter has declared her intention to annex all the western part of Peru; foreign intervention the only means to prevent it; no power will intervene unless it be the United States.	493
333	Mr. Blaine to Mr. Christiancy (No. 143).	May 9	Calderon government: authorizes recognition of..	495
334	Same to same (No. 144).....	May 12	Forced loans: non-liability of Americans in Peru to; his views as reported in his No. 282 approved.	495
335	Mr. Christiancy to Mr. Blaine (No. 301).	May 17	Calderon government: rumor of recognition of, by United States; asks if it is correct.	495
336	Same to same (No. 302).....	May 17	Calderon government is gaining strength: probable that Chili does not intend to occupy Peru; if Calderon gets Congress together Mr. Christiancy will recognize his government.	496
337	Same to same (No. 305).....	May 23	Movements of Chilian troops: information as to Pierola's whereabouts and doings.	497
338	Same to same (No. 310).....	May 27	Recognition of Calderon government: note to Calderon's minister of foreign affairs explaining attitude of the United States in regard to the recognition question inclosed; Pierola's doings.	498
339	Mr. Blaine to Mr. Hurlbut (No. 2).	June 15	Peace question: instructed to encourage Peruvians to accept reasonable conditions, and to impress upon Chilian authorities in Peru the advantages of liberal treatment of Peru by their government; course which Peru should pursue so as to avoid loss of territory in indemnification of Chili; directed to aid Peru in pursuing this course; United States would assist the execution of any satisfactory plan for satisfying Chili's demands by means of money; No. 2 to legation at Santiago inclosed.	500
340	Mr. Christiancy to Mr. Blaine (No. 319).	June 16	Recognition of Calderon government: difficulties in the way of, set forth.	501
341	Same to same (No. 320).....	June 21	Calderon government: recognition of; discussion of question; reasons for withholding recognition; Chili's policy is subjugation; Calderon government not yet a government *de facto*.	503
342	Same to same (No. 322).....	June 28	Recognition, note of, addressed to Calderon's minister of foreign affairs, inclosed: obedience to instructions and desire to avoid personal criticism caused him to recognize the Calderon government, which is not yet worthy of recognition.	505
343	Same to same (No. 327).....	July 6	Recognition of Calderon government was premature: additional reasons for thinking so; Mr. Christiancy, however, justifies his act of recognition on the ground that it was in obedience to Department's orders.	506
344	Same to same (No. 330).....	July 12	Political organization of Calderon government: meeting of Congress; continuation of Mr. Calderon as president until election of a successor; circular announcing same inclosed.	506
345	Mr. Hurlbut to Mr. Blaine (Memorandum).	July 16	Political situation of South American States: relations between them; their respective attitudes in regard to pending questions.	507
346	Mr. Blaine to Mr. Hurlbut (No. 7).	Aug. 4	Claims of United States citizens *vs.* Peru, growing out of contracts: Cochet claim and claim of John C. Landreau; instructed to report on former, and to demand justice in the case of the	508

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346	Mr. Blaine to Mr. Hurlbut (No. 7)—Continued.	Aug. 4	latter; in treaty of peace between Chili and Peru, provision must be made for recognition by Chili of Landreau's claim as a prior lien upon any territory which Peru may be required to cede to Chili; sets forth denial of justice in Mr. Landreau's case.	
347	Mr. Hurlbut to Mr. Blaine (No. 2).	Aug. 10	Political and military situation of Peru: preparations for peace negotiations between Chili and Peru; policy of Chili; Mr. Hurlbut urges that the United States intervene to prevent disintegration of Peru; letter to United States minister at Santiago, stating situation of affairs and suggesting course which should be pursued, inclosed.	510
348	Same to same (No. 5).....	Aug. 17	Interruption of negotiations: sudden departure of Chilian negotiator; urges that the United States intervene; such intervention necessary, and would be welcomed by both parties; supposed intention of Chilians to evacuate Lima, and leave it to be plundered by the mob; Pierola is still issuing proclamations.	513
349	Same to same (No. 6).....	Aug. 24	Peace question: Chili becoming more moderate in her demands; fear of the United States the cause; urges that the United States intervene; such intervention necessary to prevent disintegration of Peru, and would be accepted by both belligerents.	514
350	Same to same (No. 8).....	Aug. 27	Memorandum given by him to commander of Chilian forces in Peru, setting forth views of the United States, and its adverseness to disintegration of Peru, inclosed; good effect produced by the memorandum.	515
351	Mr. Blaine to Mr. Elmore ...	Aug. 27	Recognition of Mr. Elmore: credentials may be presented at a future time; will be informally recognized if he will deliver office copy of his credentials.	517
352	Mr. Elmore to Mr. Blaine ...	Aug. 29	Recognition of Mr. Elmore as minister resident of Peru: note of 27th ultimo acknowledged; thanks for recognition; copy of his credentials inclosed.	517
353	Mr. Blaine to Mr. Elmore ...	Aug. 31	Recognition of Mr. Elmore: copy of credentials received; trust to be able before long to arrange for his presentation to the President; reply to note of 29th instant.	519
354	Mr. Hurlbut to Mr. Blaine (No. 11).	Sept. 13	Reconciliation: negotiations between Calderón government and Pierola's generals of the north and center for; inhuman decrees of Pierola; correspondence with Pierola's secretary inclosed; Mr. Hurlbut tells him that Pierola's government does not merit recognition, and that Calderon's does; that Chili will recognize any government in Peru that will agree to cede Tarapacá, and that Calderon's government will not so agree; we ought not to permit prolonged occupancy of Peru by Chilian forces.	519
355	Same to same (No. 12).....	Sept. 14	Claims of United States citizens *vs.* Peru: Landreau and Cochet claims; No. 7 received; in view of extraordinary statements of J. R. Shipherd, attorney for the Cochet claim, and his representations of the Department's aggressive attitude respecting said claim, further instructions are requested.	522
356	Same to same	Sept. 14	Political situation: report of J. W. Quimper on, inclosed, with commendation.	523
357	Same to same (No. 14).....	Sept. 21	Intervention: specific instruction as to course to be pursued by him, requested; we have precluded European interference, and if we do not interfere ourselves Peru will be obliged to cede Tarapacá; deprecates such cession; possibility of war between Chili and Argentine Republic; intention of Chili to maintain a large army and navy during the coming year.	525
358	Same to same (No. 16).....	Oct. 4	Suppression of Calderon government by military order: correspondence between Admiral Lynch and Calderon; Peruvian treasury seized by military authorities of Chili; review of establishment and recognition of the Calderon government and the history of the war; evident that the aim of the war on part of Chili was to acquire the nitrate and guano territory of both Bolivia and Peru.	526

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359	Mr. Hurlbut to Mr. Blaine (No. 19).	Oct. 5	Naval and coaling stations at Chimbote: protocol signed September 20 granting privileges to the United States inclosed; railroad grant obtained for himself from Peru reported on.	530
360	Same to same (No. 20).....	Oct. 13	Political: Arequipa and Puno declare for Calderon; center and north expected to do so; Calderon may move out of Chilian lines; not necessary for Mr. H. to follow; the opportunity is open for the United States to settle the war.	532
361	Same to same (No. 21)	Oct. 13	Peace conference: two Chilian commissioners on their way to Lima; they will hold to the old claim of territorial cession, and conference will be useless unless arbitration be urged and accepted; illness of General Kilpatrick.	533
362	Mr. Hitt to Mr. Elmore	Oct. 13	Peace question: may call at Department at any time for an interview; reply to note of 11th instant.	534
363	Mr. Elmore to Mr. Blaine...	Oct. 21	Peace question: suppression of Calderon government by Chili reported and vehemently denounced; formally applies for intervention of the United States for restoration of peace; without such intervention peace will be impossible; commends course which has been pursued by the United States; newspaper articles inclosed.	534
364	Mr. Hurlbut to Mr. Blaine (No. 23).	Oct. 26	Peace question: publication and misinterpretation in Chili of the statement of our policy which Mr. Hurlbut gave to Admiral Lynch; vindicates the statement; has succeeded in uniting factions in Peru in support of Calderon; urges early intervention by the United States.	537
365	Mr. Elmore to Mr. Blaine...	Oct. 27	Suppression of Calderon's government attempted by Chili: iniquitous proceedings; Calderon intends to resist; his refusal to cede Tarapacá has caused this attempt on part of Chili; urges intervention of United States; explanatory documents inclosed; armies of the north and south have declared for Calderon.	541
366	Mr. Blaine to Mr. Hurlbut (telegram).	Oct. 27	Financial schemes: "Influence of your position must not be used in aid of Credit Industriel or any other financial or speculative association."	545
367	Same to same (telegram)....	Oct. 31	Calderon government: "Continue to recognize Calderon government until otherwise specially instructed; acknowledge receipt."	545
368	Mr. Hurlbut to Mr. Blaine (No. 24).	Oct. 31	Peace question: all the Peruvian military forces have recognized Calderon; this unification of Peru in face of opposition of European powers is gratifying as being a successful issue of one of the objects of Mr. Hurlbut's mission; condemns action of Chili for suppression of Calderon government; it is motived by declension of Calderon to comply with Chili's demand for cession of territory as a condition precedent to peace negotiations.	545
369	Same to same (No. 25)	Nov. 2	Financial schemes: fails to understand Department's telegram of October 27 as to use of his influence in support of; it may have been the result of charges preferred against him by agent of Cochet claim; deprecates the conduct of said agent, Mr. Shipherd; Mr. Hurlbut vindicates himself against charges; letters from Mr. Shipherd inclosed.	547
370	Same to same (No. 26)	Nov. 9	Political: arrest of President Calderon and his secretary of state; particulars of; popularity of Calderon government and its unwillingness to cede territory to Chili the main motives; another motive was to rebuke the United States; secret negotiations have been opened by Chili with Pierola; armed occupation until government can be framed which will cede territory is Chili's policy.	560
371	Mr. Blaine to Mr. Hurlbut (No. 17).	Nov. 17	Claim of United States citizens *vs.* Peru: Cochet claim and Landreau claim; the former is not proper for presentation; United States citizens in purchasing the claim of a Peruvian against his government acquires no more rights than the Peruvian had, and as he had no right to intervention of United States, such right did not pass to the purchasers of his claim; Landreau claim should be withheld from presentation until opportunity for its adjustment offers; course reported in his No. 12 approved; condemns conduct of J. R. Shipherd, attorney for the Cochet claims.	561

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372	Mr. Elmore to Mr. Blaine ...	Nov. 18	Peace question: resolute intervention of United States necessary for just solution of; will shortly furnish Department with an exposé of the political situation in Peru.	563
373	Mr. Elmore to the President.	Nov. 19	Audience of the President requested for the purpose of pleading in behalf of Peru.	563
7 4	Mr. Blaine to Mr. Hurlbut (No. 18).	Nov. 19	Financial schemes: explains Department's telegram of 27th ultimo; minister's position in regard to, for restoration of Peru should be a negative one; in case an opportunity arises for us to be useful in abetting such scheme, minister should take no important step without instructions.	564
375	Same to same (No. 19)	Nov. 22	Peace question: disapproves memorandum addressed by him to Admiral Lynch, and his note to Pierola's secretary, and the convention he concluded for establishment of naval stations at Chimbote, and his telegram to legation at Buenos Ayres requesting that a minister be sent by Argentine Republic to Peru; instructed to recognize Calderon government, or, if none such exist, to remain inactive at Lima until receipt of further instructions; in view of differences between him and his colleague at Santiago a special envoy will be sent to arrange settlement of peace question.	565
376	Mr. Hurlbut to Mr. Blaine (No. 28).	Nov. 23	Claim of Cochet heirs *vs.* Peru: letter from J. R. Shipherd, attorney for, inclosed; it offers Mr. Hurlbut a bribe; Mr. Hurlbut has declined further correspondence with Mr. Shipherd.	567
377	Same to same (No. 29).	Nov. 23	Indefinite military occupation of Peru the evident purpose of Chili: injuriousness of such policy to Chilian and American, as well as Peruvian interests; unification of factions in support of Calderon government.	572
378	Mr. Blaine to Mr. Hurlbut (telegram).	Nov. 26	Peace question: "special envoy leaves Washington for Peru immediately; continue recognition of Calderon government."	574
379	Mr. Blaine to Mr. Elmore	Nov. 26	Peace question: note of 18th instant received.	574
380	Mr. Blaine to Mr. Hurlbut (No. 21).	Nov. 30	Relieves him of negotiations for settlement of peace question: informs him as to appointment and powers of Mr. Trescot and Mr. Walker Blaine to conduct such negotiations; he will be expected to aid this special commission.	574
381	Mr. Hurlbut to Mr. Blaine (No. 30).	Nov. 30	Political assumption of executive functions by Vice-President Montero in consequence of arrest of President Calderon, and recognition of Montero by Mr. Hurlbut reported: will take no further action until arrival of special commission.	575
382	Mr. Blaine to Mr. Hurlbut (No. 25).	Dec. 3	Coaling stations: strongly disapproves; protocol concluded by him with Calderon government for cession of such stations to the United States, and rebukes him for concluding it; railway grant; severely reprimands him for obtaining same for himself from Peru; reply to No. 19.	577
383	Same to same (No. 26).	Dec. 5	Cochet heirs: Claim *vs.* Peru, upon which Peruvian company's scheme is based; No. 25 received; minister's action approved; indecency and dishonor of Mr. Shipherd, the agent of the company; eminent New York gentlemen, who are alleged to belong to the company, are probably as ignorant of the use of their names as Mr. Blaine was of the absurd statements attributed to him by Mr. Shipherd.	579
384	Mr. Hurlbut to Mr. Blaine (No. 32).	Dec. 7	Pierola renounces presidency: is intriguing for return to power; British minister is injuring us by alleging conclusion of a secret treaty whereby we are to acquire a portion of Peru; death of General Kilpatrick reported.	579
385	Same to same (No. 33).	Dec. 11	British minister's injurious conduct in alleging a conclusion of a secret treaty: he is called to account by Mr. Hurlbut and says it was only a joke; suggests that it be brought to the attention of the foreign office; refers to No. 32.	581
386	Same to same (No. 34).	Dec. 14	Montero's assumption of the presidency officially announced to diplomatic corps: Pierola's renunciation; no joint action by the corps; Pierola still in Lima; failure of demonstration in his favor; municipality seized by Chilians; inabil-	583

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386	Mr. Hurlbut to Mr. Blaine (No. 34)—Continued.	Dec. 14	ity of Mr. Adams to proceed to post; has advised him to remain at Lima until the arrival of Mr. Trescot; rumor that General Kilpatrick has left a document stating that his note to Valmaseda was wrung from him when he was wholly unfit to transact business.	
387	Same to same (No. 35).....	Dec. 15	Telegram from Chilian minister at Washington alleging disapproval by Department of Mr. Hurlbut's conduct; publication of; Mr. Hurlbut not disturbed by it.	584
388	Same to same (No. 36).....	Dec. 17	Claim of Cochet heirs: Peruvian company's scheme; letters from Mr. Shipherd, president of the company, and Mr. Hurlbut's reply declining further correspondence, inclosed.	584
389	Same to same (No. 37).....	Dec. 22	Political: course pursued by Mr. Hurlbut; justification of; reply to No. 19; arrest of Calderon a willful affront to United States.	591
390	Same to same (No. 38).....	Dec. 22	Political: Mr. Elias and Mr. Candamo have been appointed representatives at Lima of President Montero, who is still in the interior; this facilitates intercourse.	593
391	Same to same (No. 39).....	Dec. 28	Arrival at and departure from Lima of Special Commissioners Trescot and Blaine; told Mr. Trescot that arrest of Calderon was unjustifiable, and was intended as an insult to United States, and that his immediate release ought to be demanded; harm being done United States in Chili by the Peruvian Company; letters from the president of the company inclosed; official notice of our true attitude regarding this company should be given to Chili without delay.	593
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392	Mr. Elmore to Mr. Frelinghuysen.	Jan. 23	Betrayal of Peru by Bolivia, rumor of, denied.	596

4. FRANCE.

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393	Mr. Morton to Mr. Blaine (No. 6).	Aug. 11	Interview with President Grévy in regard to Chili-Peruvian war, who suggests that the United States again offer mediation; demands of Chili upon Peru should be modified.	596
394	Mr. Blaine to Mr. Morton (No. 30).	Sept. 5	Chili-Peruvian war: declension of the United States to enter into negotiations with European powers for joint intervention for peace; reply to No. 6.	597
395	Mr. Morton to Mr. Blaine (No. 58).	Oct. 20	Chili-Peruvian war: interview with President Grévy; substance of the Department's No. 30 communicated to him; France in accord with position taken by the United States, and is willing to act with the United States in the direction of peace, or to leave the United States to proceed alone.	598
396	Mr. Blaine to Mr. Morton (telegram).	Nov. 14	Chili-Peruvian war: full account of any interview he has had recently with French Government relative to, and especially any relating to, recognition of Peruvian minister, requested.	599
397	Mr. Morton to Mr. Blaine (telegram).	Nov. 15	Chili-Peruvian war: has had no interview with President Grévy since that reported in No. 58; indications less favorable for recognition of Calderon.	600

5. MISCELLANEOUS.

		1880.		
398	Mr. Pettis to Mr. Evarts....	Mar. 29	Political changes and situation in Bolivia, account of; letter from acting consul at La Paz, and a Peruvian newspaper inclosed; peaceable revolution in Bolivia.	600
		1879.		
399	Mr. Evarts to Mr. Fisher...	June 6	Bearer of dispatches, appoints him as; transmits dispatches for United States ministers and consuls in Peru and Chili on account of existing hostilities there; also, passport, consular regulations, and copies of treaties.	601

5. MISCELLANEOUS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1879.		
400	Mr. Fisher to Mr. Seward ..	June 7	War between Chili and Peru: forwards two official pamphlets in regard to "Cuestion Chilens Boliviana" and "Manifesto", &c.	601
401	Mr. Fisher to Mr. Evarts...	June 10	Bearer of dispatches: special passport, package of dispatches, and letter of 6th inst. received; will leave on 20th inst.	602
402	Same to same.....	July 30	Bearer of dispatches: statement showing delivery of dispatches intrusted to him inclosed.	602
403	Mr. Fisher to Mr. Seward (No. 3).	July 31	War between Chili and Peru-Bolivia: reports his efforts to bring about peace between the republics; Chili not likely to consent to any truce on conditions required by other belligerents; probability of an overthrow of the Chilian ministry which may produce a peaceful policy.	604
404	Same to same (No. 4).....	Aug. 14	Arbitration: does not deem it desirable to discuss same at present; strategic movements commented upon.	607
405	Same to same (No. 5).....	Oct. 9	Arbitration, question of: circumspection exercised in communicating substance of interview with the Secretary of State; admits having stated to parties of influence the object of his mission; interview of Mr. Pettis with the Presidents of Peru and Bolivia led to exaggerated reports by the press.	611
406	Mr. Hunter to Mr. Fisher ..	Oct. 10	War between Chili and Peru-Bolivia: letter of August 14th relative to, received.	616
407	Mr. Fisher to Mr. Hunter ..	Dec. 26	Laws of war, as adopted by Chili for the guidance of its army: copy of, inclosed.	617
		1880.		
408	Mr. Hunter to Mr. Fisher ..	Feb. 6	Laws of war of Chili received.....	621
409	Mr. Fisher to Mr. Hunter ..	Feb. 27	Congress of American republics to convene at Washington: suggests that the President invite various countries to participate for the purpose of settling the pending questions and establishing closer relations between all American republics.	621
410	Same to same	Oct. 22	Mediation of United States: states that true time for, will be after Chilian army has arrived in bay of Callao and at the island of San Lorenzo, and gives reasons why interference will fail before that; building for permanent exhibition of American samples; commercial treaty.	624
411	Same to same.....	Oct. 29	Mediation by the United States: incloses newspaper extracts showing good feeling of Chili towards the United States, notwithstanding attempt of; will soon leave for the United States with particulars of commercial treaty heretofore referred to.	628
		1881,		
412	Mr. Shipherd to Mr. Walker Blaine.	July 27	Peruvian Company: refers to conversation had with Secretary relative to, and requests a copy of instructions to Mr. Hurlbut, United States minister to Peru; also desires the address of Mr. Suarez.	630
413	Same to same.....	July 28	Peruvian Company protests against Chili taking possession of the guano islands and the nitrate beds to secure the payment of her war indemnity, and asks Department to take steps to prevent said action by Chili: incloses duplicates of all printed papers relating to said company; also two affidavits of Peter Hevner, and expects by the end of August evidence of death and intestacy of Alexander Cochet.	631
414	Mr. Walker Blaine to Mr. Shipherd.	July 28	Peruvian Company cannot answer letter relating to, until after consultation with Secretary of State; Mr. Suarez was at Panama on the 13th instant; sailed for Peru on that day.	679
415	Mr. Shipherd to Mr. Blaine..	Oct. 10	Claim to one-third of all guano deposits in Peru: incloses notices of ownership sent to Chilian and Peruvian ministers relative to.	679
416	Mr. Blaine to Mr. Shipherd..	Oct. 12	Claim to one-third of all guano deposits in Peru: documents, with his letter of 10th instant, placed on file.	681
417	Mr. Shipherd to Mr. Blaine..	Oct. 18	Claim to one-third of all guano deposits in Peru; incloses proofs that notices of ownership were served on Chilian and Peruvian ministers in Washington October 13, and additional notices to be sent to the United States ministers.	681
418	Mr. Blaine to Mr. Shipherd..	Oct. 22	Claim to one-third of all guano deposits in Peru; papers, with his letter of 18th instant relative to, placed on file.	682

5. MISCELLANEOUS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1881.		
419	Mr. Hadden to Mr. Hunter..	Nov. 28	Protectorate of the United States over Peru: incloses letter sent United States Minister Hurlbut urging establishment of.	683
420	Mr. Blaine to Mr. Shipherd..	Dec. 3	Calls attention to his correspondence with the United States minister, and offering bribe thereto: censures his action severely, and states that only his apparent mental irresponsibility saves him from prosecution; Department will no longer recognize him as attorney in any case.	683
421	Mr. Shipherd to Mr. Hunter.	Dec. 5	Claim to guano deposits in Peru: incloses letter received from Peru showing present condition of.	685
422	Count de Montferrand and Mr. Suarez to Mr. Evarts.	Jan. 17	Credence: letter of, from the "Société générale de crédit industriel et commercial," and introductory letter from Ed. Noetzlin, esq., a director of the "Banque Franco Égyptienne."	686
423	Same to same.....	Jan. 30	Proposition to pay Chili and Peru respectively £550,000 per annum, which will justify a loan to cover war indemnity demanded by Chili and meet all legitimate national obligations, and to arrange with Peruvian bondholders the indebtedness held by them, on condition that Chili surrender territory taken from Peru, subject to protectorate of the United States, and to grant the society the exclusive privilege of shipping nitrate therefrom; urges the United States to again interfere on behalf of peace; incloses various papers, including contract between society and Peru.	686
424	Same to same.....	Feb. 1	Mediation of the United States: urges advisability thereof; calls attention to the advantages of their scheme, and the evils to be averted by its adoption; awaits action of United States.	696
425	Mr. Suarez to Mr. Evarts....	Feb. 9	Mediator in Chili-Peruvian war: urges the United States to offer its services as, and to accept the position of trustee of the financial business proposed by the crédit industriel, as such action would insure the supremacy of the United States in South American affairs.	697
426	Count Montferrand to Mr. Evarts.	Feb. 14	Negotiations on behalf of Société générale de crédit industriel et commercial; states that Francisco de Paulo Suarez is authorized to continue the same.	699
427	Confidential note.....	Feb. 16	Statement of American and foreign interested parties, and their representatives, in England, Belgium, France, Netherlands, Germany, Spain, and United States in the Société générale de crédit industriel et commercial, and observes that while Chili endeavored to fortify her political and commercial links with Europe, so Peru and Bolivia look towards the United States.	700
428	Mr. Evarts to Mr. Suarez....	Feb. 17	War indemnity: acknowledges letters relative to, and says ministers to Chili and Peru have been informed of the proposition of the société relative to payment of; the United States is ready to aid in bringing about peace.	701
429	Mr. Suarez to Mr. Guillaume	Feb. 18	Views of Secretary Evarts in regard to the société communicated the United States: will confine itself to exercise of good offices towards securing peace, but will recommend the société as a means to that end: would not seek position of trustee, but would accept the same if agreed upon; has promised the secretary that agency for guano should be placed under patronage of a first-class American house.	701
430	Mr. Suarez to Mr. Evarts ...	Feb. 19	Mediation: offers of; thanks for letter of 17th instant relative to; incloses telegrams to and reply from "Crédit Industriel"; will inform Department of his arrival in Peru.	702
431	Same to same.....	Feb. 28	Confidential letter of 17th instant: explains delay in replying to; will continue to strive for a satisfactory settlement of war.	703
432	Mr. Suarez to Mr. Blaine....	Mar. 1	Obligations of Peru; refers to papers on file in Department and renews proposition therein contained as to payment of, by the "société"; asks for more earnest action by United States.	704
433	Same to same.....	Mar. 1	Termination of war: urges Secretary of State to take a firm stand in favor of.	705
434	Count Montferrand to Mr. Hitt.	Apr. 22	Financial arrangement: incloses correspondence relative to proposed, by the company, or the Pacific Company; urges the United States to favor the project.	706

5. MISCELLANEOUS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1881.		
435	Mr. Suarez to Mr. Blaine...	May 3	Arrangements proposed by "Crédit Industriel": incloses telegram stating that English, French, and probably Italian and German Governments will agree to, if asked to do so by the United States; asks what reply shall be made.	707
436	Same to same.....	May 28	Letter of credence: incloses duplicate of his, and invites attention to Department's letter of February 17 last.	708
437	Mr. Hitt to Count Montferrand.	June 10	Financial arrangement: acknowledges letter of April 22 last; the subject will be presented to the Secretary of State and ministers to Peru and Chili.	709
438	Mr. Suarez to Mr. Blaine....	Dec. 5	Chili-Peruvian question: requests answer to his papers relative to.	710
		1882.		
439	Mr. Suarez to Mr. Frelinghuysen.	Jan. 13	Obligations of Peru: payment of, by the société: refers to previous correspondence and renews proposition relative to; argues why this should be done, and amplifies upon the scheme.	711
440	Translation.....	.....	Six papers relating to the debt of Peru and the plans of the Crédit Industriel and the Compagnie Financière du Pacifique left with Mr. Frelinghuysen by Mr. Suarez for perusal January 20, 1882.	715
441	Memorandum	.....	Extracts taken from the official registers, showing that the several communications therein indicated were received in the ordinary course of business, and belong to the files of the Department; a careful search fails to show that they are now in the Department.	741

CORRESPONDENCE.

CORRESPONDENCE.

1.—BOLIVIA.

No. 1.

Mr. Evarts to Mr. Pettis.

No. 12.] DEPARTMENT OF STATE,
Washington, June 23, 1879.

SIR: The British Government has lately received information that the Government of Bolivia has decreed the issue of letters of marque, with authority to privateers to seize Chilian property in neutral vessels, and that agents have departed for the United States.

You are directed to call the attention of the Bolivian Government to the treaty of 1858, and more especially to the XVIth article thereof, which stipulates for the freedom from capture or confiscation of effects or goods belonging to subjects or citizens of a power or state at war when found on board of neutral vessels, with the exception of articles contraband of war.

The neutrality act of 1818 (section 5281 *et seq.* of the Revised Statutes) specially prohibits the fitting out, arming, or equipping in this country of any vessel for the purpose of committing hostilities against the people of a country with whom the United States are at peace. Should it prove true that the Bolivian Government has dispatched agents to this country for the purpose, as is understood, of engaging in this enterprise, you will remind them of the existence of this act and of the necessity which will compel this government to adopt measures for preventing a violation of it.

I am, &c.,

WM. M. EVARTS.

No. 2.

Mr. Evarts to Mr. Pettis.

No. 13.] DEPARTMENT OF STATE,
Washington, June 25, 1879.

SIR: Referring to my instruction No. 12, of the 23d instant, in regard to the intimation received that the Government of Bolivia has decreed the issue of letters of marque, with authority to privateers to seize Chilian property in neutral vessels, and that Bolivian agents are understood to have already departed for the United States, I now transmit for

your information two copies of a circular issued by the Secretary of the Treasury, under date of the 21st instant, instructing collectors of customs and others whom it may concern with respect to the observance of the neutrality laws of the United States in case of any possible attempt being made to infringe the same in behalf of either of the belligerents.

I am, &c.,

WM. M. EVARTS.

Mr. Evarts to Mr. Sherman.

DEPARTMENT OF STATE,
Washington, June, 18, 1879.

SIR: I have the honor to inform you that the British Government has received information that the Government of Bolivia has decreed the issue of letters of marque, with authority to privateers to seize Chilian property in neutral vessels, and that agents of Bolivia have departed for the United States.

With a view to causing due observance of the neutrality laws of this country, I will thank you to direct the attention of such of the collectors of customs of the United States to the matter as you in your judgment shall deem proper.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Mr. Sherman to Mr. Evarts.

TREASURY DEPARTMENT, *June* 24, 1879.

SIR: Referring to your letter of the 18th instant relative to the proposed issue of letters of marque by the Government of Bolivia, with authority to privateers to seize Chilian property in neutral vessels, I have the honor to inclose herewith six copies of the circular on the subject issued by this department on the 21st instant and sent to the collectors of customs at ports from which illegal expeditions might be arranged, warning them to be vigilant to guard against any breach of the neutrality laws of the United States.

Very respectfully,

JOHN SHERMAN,
Secretary.

OBSERVANCE OF THE NEUTRALITY LAWS.

[1879. Department No. 101. Secretary's office.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 21, 1879.

To collectors of customs and whom it may concern:

This department has received information that the Government of Bolivia has decreed the issue of letters of marque, with authority to privateers to seize Chilian property in neutral vessels, and that agents of Bolivia have departed for the United States.

Collectors of customs, in whose ports attempts may be made to fit out warlike expeditions in aid of either of the belligerent powers, will take care to see that section 5290 of the Revised Statutes be vigilantly enforced against all vessels that appear to be destined to violate the neutrality laws of the United States. The section is here reproduced:

"SEC. 5290. The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section."

JOHN SHERMAN,
Secretary.

No. 3.

Mr. Pettis to Mr. Evarts.

No. 15.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, June 28, 1879. (Received Aug. 16, 1879.)

SIR: I have the honor to inform you that in pursuance of the appointment made yesterday, and of which you were advised by my dispatch of that date, No. 14, Sr. Manuel Vicente Ballivino, a gentleman connected with the executive branch of the government here, called at this legation and accompanied me to the department of foreign relations of this Republic, where I was most cordially received by his excellency Pedro J. de Guerra, minister of foreign relations and acting President of Bolivia, and his excellency Eulogio D. Medina, minister of finance and of war.

After an observance of the courtesies of the occasion, his excellency the minister of foreign relations remarked that, enjoying the proud satisfaction that the Government of the United States of America cherished for the Republic of Bolivia and her sister republics in South America a sincere friendship; he had sought the interview for the purpose of conferring with the representative of the government I had the honor to represent touching the complication of affairs between Chili, Bolivia, and Peru, and to learn if possible the views of the Government of the United States in that connection, entertaining, as he did, a profound respect for its opinion and wishes.

After expressing to his excellency the gratification which such a mark of respect to my government implied, I stated to him that while I was without any instruction from the government at Washington upon the subject, I felt confident that so desirous was the President of the United States of a peaceful solution of these pending difficulties, that he and his cabinet would expect all the offices of this legation, official and personal, exerted in the direction of peace, and which it would be my highest ambition and greatest pleasure to exert in the absence of special instructions in the premises, and would therefore give an attentive ear to all that his excellency might have to say.

His excellency replied that Bolivia desired peace, but could not see how it was to be obtained amicably at present, with the armies of the different powers in the field, and their forces upon the sea. I expressed the opinion that it might be obtained by some amicable arrangement, and I thought the acceptance of arbitration the humane and dignified way out, believing as I did that each of the contending powers owed some respect to human society, adding that while, as his excellency suggested, arbitration is usually resorted to prior to the actual commencement of hostilities, precedents were to be found in the conciliatory path of negotiation in the past, by which this objection or difficulty might be overcome, and the terms of equality restored between the powers interested, so as to make arbitration proper, acceptable, honorable, and profitable.

Such was substantially the character of the interview, which lasted nearly or quite two hours, and at its termination his excellency the minister of foreign relations stated that it would afford him pleasure to renew and resume the consideration of the subject at this legation at 5 o'clock, which was agreed to.

At such second meeting his excellency placed in my hands a paper, together with its translation, which (the translation) I have copied and herewith inclose, marked Inclosure 1.

I should state in this connection that I was informed by his excellency that the mediation of Brazil had been declined by Peru and Bolivia, also one of the Eastern powers, and that one of a number of reasons assigned for preferring the United States as umpire was that it was purely an American controversy.

I have the honor to be, &c.,

S. NEWTON PETTIS.

[Inclosure in No. 15.]

All under the special condition not to take any decision or compromise without the knowledge and approval of the Peruvian Government.

The authorities of Chili, civil and military, to withdraw from and disoccupy all territory that they have taken possession of upon and since the 14th day of February, 1879, leaving all things in the condition and state they were its previous to the 14th day of said month.

Then, if arbitration is agreed upon, the arbitrators to hear, determine, and decide all matters in dispute between Bolivia and Chili and Peru, and establish the divisionary line between Bolivia and Chili, Bolivia claiming the boundary line affixed by the Chilian constitution, taking with consideration the damages caused by the act of 14th February, and the subsequent aggressions claimed by Bolivia, as well as the expenses of the war.

That reference may be made to the President of the United States of America as sole arbitrator, or to the judges of the Supreme Court of the United States of America, or to the ministers of the United States of America in Peru, Bolivia, and Chili, a decision by a majority of the arbitrators sitting, to be valid and binding upon the parties, to be approved in its execution and perpetuity by the President of the United States.

No. 4.

Mr. Pettis to Mr. Evarts.

No. 16.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, July 2, 1879.
(Received August 16, 1879.)

SIR: I have the honor to inform you that I to-day received a call from his excellency the Peruvian minister resident at La Paz.

He said that he called to tender to me as the representative of the United States the acknowledgement of his government, as well as his own, for the very humane and conciliatory views he had been informed by his excellency the minister of foreign relations of Bolivia, I had lately expressed touching the pending difficulties between Chili, Peru, and Bolivia, and assuring me that he should take especial pleasure in co-operating in every way in his power to obtain a peaceful and bloodless adjustment of the same, and knew that he reflected the sense of the Peruvian Government in that respect.

I have, &c.,

S. NEWTON PETTIS.

No. 5.

Mr. Evarts to Mr. Pettis.

No. 17.] DEPARTMENT OF STATE,
Washington, August 8, 1879.

SIR: I transmit herewith for your information copy of a dispatch from Mr. Ernest Dichman, United States minister resident at Bogota, re-

citing the causes which have moved Colombia to proffer mediation for the settlement of the war between Bolivia and Peru and Chili, and announcing the appointment of Dr. Arosemena, the former secretary of foreign relations of Colombia, to visit La Paz, Lima, and Santiago, on a special mission for the purpose of tendering such mediation.

Although abstaining from any direct indorsement of, or co-operation in, this apparently laudable effort of Colombia in the interest of peace and reconciliation, this government, which feels lively solicitude for the prosperity and tranquillity of the South American states, cannot but watch Dr. Arosemena's mission with especial attention. In personal intercourse with the doctor, when he visits La Paz, you will probably find a fitting occasion to express to him the warm interest taken by the United States in this tentative step, and the friendly solicitude of this government as to the result.

I am, &c.,

WM. M. EVARTS.

Mr. Dichman to Mr. Evarts.

[Extract.]

No. 100.] LEGATION OF THE UNITED STATES,
Bogotá, June 20, 1879. (Received July 29.)

SIR: The war between the three South American Republics of Chili, Peru, and Bolivia is being observed with much interest at this capital, not only on account of the affinity of race and language, and the interest which would naturally arise from a similarity in name at least of political institutions, but also because it is feared that the war, if not checked, may involve other South American nations and interests to which this government could not remain indifferent.

* * * * * * * *

A resolution was adopted by Congress requesting the President to send a special minister to the three Republics of Peru, Chili, and Bolivia for the purpose of offering the mediation of the Colombian Government in the present difficulty. The Hon. Dr. Pablo Arosemena, formerly secretary of the interior and foreign relations, has been selected for the position, and it is expected that he will leave for Peru immediately, as soon as his instructions can reach him at his home at Panama.

I am, &c.,

ERNEST DICHMAN.

No. 6.

Mr. Seward to Mr. Pettis.

No. 19.] DEPARTMENT OF STATE,
Washington, August 11, 1879.

SIR: Your dispatch No. 13 of the 25th of June last, reporting your interview with the minister of foreign relations on that day, has been received.

In reply I have to inform you that your course on that occasion in assuring the minister that the settled policy of strict neutrality of the United States would not be departed from in the conflict between Chili, on the one part, and Bolivia and Peru on the other, is approved.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

No. 7.

Mr. Seward to Mr. Pettis.

No. 21.] DEPARTMENT OF STATE,
Washington, August 18, 1879.

SIR: Your dispatch No. 15, of the 28th June last, reporting your conference with his excellency, the minister of foreign relations and Acting President of Bolivia, and the overtures then made to you looking to the eventual mediation of the United States with a view to arbitrating the unhappy differences between that state and Chili which have given rise to the present deplorable war, to which Peru is also a party, has been read with careful attention. Your proceedings, as stated in your dispatch, seem to have been discreet and judicious, and are approved.

The Department awaits with hopeful expectancy the further developments of the interesting question presented.

It is deemed proper to inform you that in June last simultaneous but independent overtures were made to this government by the cabinets of London and Berlin, looking to a future formal proposal from Germany and Great Britain, to act with them in a mediation between the belligerents in the present war in South America in the interest of the protection of commerce. The reply of this government was to the effect that, while as keenly alive as Germany and Great Britain can be to the dangers arising to commerce from the existence of so deplorable a war between kindred peoples, as well as to the prospective danger that other states might yet be involved in the fratricidal quarrel, and while it has been from the commencement of the struggle, and is now, ready to assist in the restoration of peace whenever its good offices may be usefully proffered, yet this government does not look with favor upon any premature effort, nor any effort in combination with other neutral powers which would carry the impression of dictation or coercion in disparagement of belligerent rights.

The views then expressed are unchanged now, except that it is thought that the time is drawing near when an honorable settlement of the questions of the war may, without disparagement to any of the parties thereto, be frankly asked and obtained through the mediation of a friendly power.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

No. 8.

Mr. Pettis to Mr. Evarts.

Unofficial.] LA PAZ, BOLIVIA, S. A.,
August 23, 1879. (Received Oct. 16.)

DEAR MR. SECRETARY: I have deemed it proper to accompany my dispatch of this date (No. 22) by this private note, as necessary for your full understanding of the present condition of these three troubled republics; and allow me to say that I have no doubt but what the Chilian ministry, with the approbation of President Pinto, had resolved upon taking the suggestions made by me in the presence and with the concurrence of Mr. Osborn (without the rider included in brackets in

inclosure 2), and submitting the whole controversy to the United States authorities, preferring the ministers, for the reason that they were upon the ground and a decision would be promptly obtained, should you permit them to act. In fact Mr. Huneens said so; and looking to such result, he informed us that the president had summoned Mr. Santamaria, the war minister, established at Antofagasta, to the capital, desiring a united front in the movement, and assured me that he had promptly responded to the telegram; was on his way, and would reach the capital the next day by special train. His arrival seemed to cause a hitch in the consummation of that which I am confident had been resolved upon, and I was satisfied that Mr. Santamaria (who is a candidate for the presidency) was the cause of it. When he was first approached by Mr. Huneens, he remarked that he had met me at Antofagasta, on my way to Valparaiso; but he was mistaken in that, for he had *never seen* me; he *had* seen Mr. Fisher, who was a fellow-passenger upon my voyage to V.

Justice to the Chilian ministry, as well as to myself, makes it proper to state some things in this connection for your own eye, that I would gladly omit.

As I was leaving Lima, Judge Christiancy said to me, "You will meet a Colonel Fisher on the steamer, bearer of dispatches from our government, who arrived this morning from Panama, and who brought a dispatch to me, but it has nothing to do with the question we are considering"; when Mr. Fisher came up and was introduced to me. When on board the steamer he desired an introduction to the captain, and asked to be presented as "bearer of dispatches from the United States." He talked much about these peoples' troubles, was outspoken against Bolivia and Peru, and was quite partially in favor of Chili. I was reticent, as I did not wish to talk to any one, save the ministry, as I had here in La Paz and Lima, and might possibly with Mr. Osborn in Chili. When the steamer arrived at Antofagasta a number of passengers went on shore, and as I was about stepping into the small boat to return to the ship, Mr. Greene, an American, the superintendent of the nitrate works there, invited and insisted upon my going to breakfast with him, saying that Mr. Santamaria, the war manager, was stopping in his house, would be at breakfast, and that he was a power in Chili. I thanked him, but declined and would not be moved by importunity, but Mr. Fisher accepted and went up, and I feared from that moment that mischief would result from his freedom and manner of talk. The steamer was then ready to sail, and the captain was very angry at the two hours' delay caused by Mr. Fisher's conference with those on shore, as the powers had the dispatches withheld from the captain of the steamer and he could not leave until the captain of the port saw fit to take them out to him.

As we were nearing Valparaiso I asked Colonel Fisher to be a little guarded in expression in Chili, and not talk there as he had in my presence, declaiming against Bolivia and Peru, and championing Chili's cause, saying that instead of hissing her on, it was time for cooling, for casting oil upon the troubled waters, rather than further inflaming the passions; but I then feared he had done my cause damage at Antofagasta, and the only hope I had of not being made to feel the effects of it was found in the fact that possibly it would not reach Santiago in time to injure or embarrass me; but although it did not travel as fast as the storms upon the sea, it came as surely as do earth's dances along the coast of these countries, in phrases familiarly known as earthquakes. I told Mr. Osborn of my fears when Santamaria was sent for, and gave

him my opinion after he arrived, both of which were confirmed by demonstration upon my return to Antofagasta, in a frank conversation with the same Mr. Greene, whose hospitalities I did *then* accept for a day and a half, and explained why in my personal quiet movement to Valparaiso I did not wish any recognition, much less any importance or prominence given to me or my trip, which I all along stated was simply for my health, making a convenience of the occasion to visit my old and early friend Osborn.

Mr. Greene informed me that in the conversation at the breakfast table he "interpreted between Mr. Santamaria and Mr. Fisher, and that the latter was outspoken against Peru and Bolivia, stating that he was direct from the United States, and that the feeling there was, that Chili was further advanced in civilization, her government more republican in form, and that he would not advise Chili to relinquish any of the territory occupied by her to give place for arbritration, and that he thought that was the sentiment in the United States, and that he believed that the United States would offer mediation if Chili asked it;" and he did say to a Senator in my presence that Mr. Seward authorized him to say that the United States would make such offer if either one of the republics requested it.

That conversation, in my opinion, established a pre-judgment in the mind of Mr. Santamaria against the object Judge Christiancy, Mr. Osborn, Mr. Huneens, and myself had in view, and prevented the consummation of our informal negotiations with Mr. Huneens.

I inclose a slip from the *South Pacific Times* (published at Callao, Peru) of the 22d ultimo, and another from its columns of the 24th ultimo, which will speak for themselves.

If it be of any importance, I might say that my health has been materially improved by my voyage, chiefly no doubt from the change of air and climate, and I cannot help feeling that had my son of twenty years accompanied me, he would not to-day need the attention from me, nor the services of his physician that his sick-bed demands and receives from both.

Did I, in my previous informal note, give to you Mr. Huneen's parting words? If not, here they are:

Good-bye, Mr. Minister; I hope and trust that we shall soon meet again, when and where I trust you will be judge and I attorney, and be kind enough to say for me to President Prado, who was long a client of mine, that I am at heart for *peace*, and am personally and officially laboring and longing for it.

Faithfully yours,

S. NEWTON PETTIS.

[Inclosure No. 1.—From the South Pacific Times of July 22, 1879.]

Colonel Fisher was among the passengers who arrived here by the Lima on Saturday. This gentleman is a special messenger from Washington to this country and to Chile, and bearer of dispatches to both these governments, offering the mediation of the United States government in the present unnatural quarrel in which they are engaged. We sincerely hope the mission of Colonel Fisher will not be unattended with success, for there can be no denying the sincerity of purpose which prompts the great republic to action; not that the same might not be said of European governments, whose intervention would not be less earnest nor less sincere, but the interference of the United States will perhaps be more acceptable, and the presumption may be more generally and perhaps more justly entertained that it is better interested nations, or those nations whose subjects have millions invested in these countries, should not be arbitrators. For instance, let us for a moment look at the proposition just made in France. It is to the effect that the bondholders unite to defray the expense of the war for Chile on the condition that they are protected by Chile in getting paid

on their Peruvian bonds from the proceeds of the guano and nitrate, and that they be reimbursed from the same source the war expenses so to be advanced. This proposition would be acted upon had the English bondholders agreed to it. We allude to this point simply in illustration of the fact that there is less likely to be confidence where there is interest, or where disinterestedness cannot reasonably be expected to prevail. Under the circumstances, therefore, we think the United States is unquestionably the best nation to intervene, and has already acted for Peru, if not for Chile likewise, in reference to the political relations existing with Spain. Colonel Fisher presented his dispatches here on Saturday, and the same evening left for Chile with the same object. We have heard the opinion of one worthy of the respect that an armistice is very likely to follow the presentation of the dispatches, so as to allow time for agreement as to the conditions of peace. We hope this may be so, for blood enough has been shed, and the wounds to national honor had better be healed now than later; the sooner the better.

[Inclosure No. 2.—From the South Pacific Times of July 24, 1879.]

Beyond what we record, there is little to communicate and nothing that encourages the immediate prospects of the re-establishment of peace, if we except, perhaps, the visit to this country of Colonel Fisher, from the United States Government, as the special bearer of despatches to the belligerents, offering the good services of the North American Repnblic to intervene in the present contest, with the view to put a stop to it. He arrived here from Panama on the morning 19th instant, and having performed his mission as far as this country is concerned, proceeded the same evening to Chile. We allude to this gentleman's arrival in another part of our paper, and can but repeat that we should be delighted to find the efforts of the United States crowned with success. The war is an expensive one, which neither party can afford, and it must terminate or wear itself out. There is no reason why it should not be terminated now, through the medium of friendly interference, without the sacrifice of honor on either side. We comprehend fully the difficulties that are to be overcome, but greater difficulties in international disputes have arisen and have been surmounted, and there is no cause to despair in the case of Chile and Peru.

No. 9.

Mr. Pettis to Mr. Evarts.

No. 22.] LA PAZ, BOLIVIA, *August* 23, 1879.
(Received October 16, 1879.)

SIR: At the date of my last dispatch, the impaired state of my health caused by the high altitude of this cold, cheerless, because fireless, region. I was compelled to resolve upon at least a temporary change for a milder clime, if I would seek to regain the uniform good health of my whole life, and decided upon going to the coast, which is more than 12,000 feet lower than this point.

This being known to the Bolivian ministry as well as the Peruvian representative here, and both professing an anxiety for peace, in the interests of their governments, and being very desirous of knowing the inner feelings of the Government of the United States, and to be governed much by its desires and wishes when ascertained, inasmuch as they have voluntarily put at my disposal the steamer upon the lake, the railroad and telegraph from La Paz to the coast passing through portions of both republics, in view of what Bolivia had submitted to me upon paper, with the acknowledgment and approval of the Peruvian minister here, I telegraphed Mr. Christiancy from Puno, asking him to meet me at Mollendo in the interest of peace.

Upon reaching Arequipa I received an answer saying that he could

not then leave, but that he would write me at Mollendo, and requested me to write him fully from there, and arriving at Mollendo I received his letter, and after reading it and resting a day or two, and feeling a little improved in health, and reflecting upon the situation, I concluded to take the steamer for Lima, and confer with Mr. Christiancy, which I did, showing him the proposition submitted to me by the Bolivian minister of foreign relations two weeks before, a copy of which I forwarded to you in my dispatch of June 28, No. 15.

After reading the same, Judge Christiancy thought that it looked like business, and furnished what he had not before seen or heard of, a starting point looking to a civilized solution of the troubles of the three republics—Chili, Bolivia, and Peru, adding that he would call upon the acting President and minister for foreign affairs there (at Lima) with Mr. Roman, a Peruvian, who had traveled with me from La Paz, as the bearer of dispatches addressed to the executive department at Lima, one being from the Peruvian minister resident here, and the other from the acting President of Bolivia, and bearing upon the subject of peace.

Shortly afterwards Judge Christiancy called upon me at my hotel and informed me that Mr. Irogoyen, the Peruvian minister of foreign relations, desired to see us at his department at 2 o'clock. We called at the time designated, and had a somewhat protracted interview. The minister seemed anxious to do anything that would prove acceptable and satisfactory to Bolivia. He had been informed of Bolivia's willingness and desire to submit all matters involved by the war to the United States for arbitration, and expressed a hearty concurrence in such suggestion by Bolivia, and added that the Peruvian minister at La Paz was in full accord with the Bolivian authorities at La Paz upon the subject, but stated that the trouble in the premises came from the fact that as Bolivian soil had been invaded by Chili, she (Bolivia) could not make the first advance by proposing arbitration, and as Chili had *declared* the war it was not for Peru to take the iniative.

I remarked that as in the declaration of war by Chili and in the invasion of Bolivia's territory the latter did not hold Peru responsible for either, it seemed to me that she (Peru) could, without compromising her honor in the least, propose an arbitration that she and Bolivia both professed to desire. Mr. Irogoyen replied that Peru had tendered her kind offices at the outset in the interests of peace, but they were rejected by Chili. I rejoined by asking if there was not some justification for Chili's rejection to be found in the fact of the existence of the treaty between Peru and Bolivia of 1873, and known as the "secret treaty" between those two governments; when the conversation took a different direction. The interview was very pleasant, lasting about two hours, resulting in a request that we return at 9 o'clock p. m., which we did, when we were informed that the matter had been considered by the cabinet.

The second interview developed the fact that should Chili say that such terms of reference were acceptable to her, there was, there could be, no impediment in the way of a bloodless adjustment of the difficulties of these people, which are being attended with quite as much, if not more, damage to neutrals and foreigners than to themselves. In fact, Mr. Irogoyen stated:

First. That if Chili proposed arbitration upon the terms indicated by the authorities of Bolivia (see inclosure to this dispatch, 1), Peru would accept.

Second. That if Chili proposed reference to the parties or authorities indicated by Bolivia and upon the basis implied in Bolivia's suggestion,

excepting only that the *time* of evacuation should be referred to the United States ministers for Peru, Bolivia, and Chili, Peru would *accept*.

Thus ended the second interview, which seemed to promise results in the interests of civilization. I became satisfied that Peru, like Bolivia, desired our government to settle this matter in the way indicated, and preferred arbitration by the United States high over any and every other power, as both had assured me that the kind offices of other powers had been offered and rejected, giving me as a reason therefor that they were endeavoring to pattern after our form of government.

I may have been mistaken in my impressions formed, but confiding in their correctness, feeling that the three powers were separated by so great distance, the intercommunication being so limited, in fact in one sense entirely suspended, and not being able to satisfy myself that the controversy was such a one as demanded or even justified the continuance of a bloody warfare, and especially if means were within reach by which the bitterness of the conflict could be toned down without the sacrifice of principle or the compromise of honor, it occurred to me that if something could be done to afford a breathing spell, a cooling of the passions, a little healthy reflection would naturally follow, that would result in a restoration of reason, when, if a proper and timely suggestion could be made, by which the fancied honor of these people could be preserved inviolate, a peace could be obtained, and to that end I thought if the conditions and the inclinations of the two northern powers (Peru and Bolivia) could be presented to the Chilian authorities by Mr. Minister Osborn, matters might possibly be made to culminate in peace; and Judge Christiancy agreeing with me in that respect, I concluded to write Mr. Osborn (unofficially) the result of all my consultations, and leave the matter with him to present to Chili or not, as he chose. Before leaving Lima I was importuned by Mr. J. G. Meiggs, a North American Peruvian, (and a brother of the late Henry Meiggs, famous in South American railroad history), who sustains close and confidential relations with (at least) one of the Peruvian cabinet, to by all means *go* and *see* Mr. Osborn, knowing as he did that it would not be prudent for me to return to La Paz for some time if the value of my health was of any consideration with me.

Without settling the question in my own mind as to what I would do, I set out upon my return, and while on my way to Mollendo, upon mature reflection, I concluded that if you were cognizant of the situation, you would desire me to do what I resolved upon, which was to continue down the coast to Valparaiso, and confer with Mr. Osborn fully, firmly believing, after looking the ground all over, that the authorities of these three peoples have hastily perched themselves upon a pinnacle of honor and know of no way to get down, and that at heart they would thank anybody to tell them how, or even point them to the way. Upon arriving at Coquimbo I telegraphed Mr. Osborn at Santiago, with whom I have been upon the most intimate terms since young manhood, that I expected to be in Valparaiso the next noon, and would be glad to see him before returning north.

Upon reaching Valparaiso I was met by Mr. Osborn, when a full and confidential (unofficial) consultation took place, after which he informed me that he had shown my dispatch to Mr. Huneens, the Chilian minister for foreign relations at Santiago, who had sent an invitation to me to visit Santiago, and him as well.

Finding Mr. Osborn in full accord with my views already set forth in this dispatch, and following his advice, I accompanied him to Santiago the next day, when an interview was arranged between the minister

and Mr. Osborn for a meeting of all three on Saturday afternoon, at his department, which lasted several hours and was more than cordial, Mr. Huneens being informed at the outset that upon my part the visit was a purely *personal one* and entirely *unofficial*.

Mr. Huneens expressed a desire to consult with the President that evening touching the subject-matter of our conference, lasting two hours, and at the same time volunteered a call upon me the next day at my hotel at 12 m., which appointment he kept punctually, remaining over two hours, devoting the whole of the time to the subject of this dispatch. Mr. Huneens speaks the English language as well as he does his own, the Spanish, and writes both readily.

Suffice it to say that at *his instance* several interviews followed, both at his department and at the hotel where Mr. Osborn and I were living, all of which manifesting upon his part a desire for the settlement of the existing troubles, and that, too, by arbitration at the hands of the United States above all or any other power, the *status quo* question seemingly being the only one of embarrassment, Peru and Bolivia insisting upon the *statu quo ante bellum*, Chili declining; whereupon I suggested that possibly some middle ground might be found if the parties should seek for it in a spirit of forbearance and conciliation; and as a compromise upon that branch of the controversy I numbered the twenty-third parallel of south latitude, to which, and below that, Chili should withdraw her troops by land and sea, disoccupying all north of such parallel in order that submission might be made and arbitration proceeded with. Mr. Huneens seemed to be pleased with the idea, and asked me if I would be kind enough to make a proposition in writing to this effect, when I promptly informed him that I had *no authority* to make any proposition, although I had found great pleasure in discovering to him, and his government through him, the position occupied by Peru and Bolivia upon the question under consideration, and the one that they would probably incline to and assume, if met in a humane spirit.

Mr. Huneens then asked me if I had any objections to giving my views upon paper, without signature, that he might submit them to the President; when I replied that within an hour I would do so in pencil to Mr. Osborn, and if upon consultation with Mr. O. he felt disposed to hand him such unofficial expression, I had no objection to his being gratified in that respect.

Upon retiring and consultation with Mr. Osborn, I penciled my views, which, being concurred in by Mr. Osborn, were by him inclosed to Mr. Huneens, with the request that *it be returned to me, which was done*, and a copy of which is herewith inclosed and marked Inclosure 2, indicating that I thought, if Chili was satisfied with that, Peru and Bolivia would concur.

Upon reading the paper thus submitted, Mr. Huneens *requested* me to *add* that which I have included between brackets, which he thought would make sure the acceptance upon the part of Chili, and which I consented to, although I thought it might possibly prove too much for Peru and Bolivia to carry, and, having done that, terminated the interview by stating to Mr. Huneens that:

More than a month before, I had had a long interview with the acting president and minister for foreign relations of Bolivia, at La Paz, upon the subject of the difficulties of that republic and Peru with Chili, and that the same was at the Bolivian minister's request, who informed me that he had sought the interview to learn the opinion of the Government of the United States of America, and inquired if I had any instruction upon the subject, and that I told him I had not, but that I knew that my government regretted deeply the conflict the three governments were engaged in. He then asked me for an expression of my own views upon the situation, which I gave him

freely, making no reference to the relative merits of the controversy, but confining myself to a solution of the troubles, in stating emphatically that under all the circumstances I thought that the safe, honorable, and profitable deliverance was only to be found in arbitration by some friendly power, and that I knew that my government would feel that I was poorly discharging my official duty if I failed to use all of my kind and personal offices in the direction of peace, adding that I thought that precedent was to be found in the conciliatory path of the past for the resort to arbitration even after hostilities had begun, and that I thought that persistence by the three countries in a desolating and devastating war, if an honorable peace could be attained, implied a blindness to interest entirely inexcusable; and at the close of such interview the minister of Bolivia requested a renewal of the same at my legation the evening of the same day, at which time the minister of Bolivia informed me, that, Peru consenting, Bolivia would be willing to submit all matters of difference, of every description, for final and complete adjustment and settlement with Chili, to the President of the United States, the judges of the Supreme Court of the United States, or to the United States ministers of the three republics, resident therein, if the *statu quo ante bellum* was restored, and that being mindful of a similar proposition made by the Chilian Government, less than fifteen years ago, to Spain, which was rejected by that power, who went further and fared worse, and having about that time, by the advice of a physician, resolved upon a trip to the coast for my health that had became seriously impaired in the high altitude of La Paz, I concluded to invite the United States minister at Lima to meet me at Mollendo in the interest of peace, but upon reaching that place received a letter from him stating that he could not then leave, and requested me to write him upon the subject, but preferring a personal interview, I took the steamer for Lima, and an early meeting with Judge Christiancy resulted in one, two, and a third interview. It transpired that Peru was willing to submit to arbitration at the hands of the powers named by Bolivia's minister of foreign relations, who was Acting President. While I learned, as I had at La Paz, that the main difficulty in reaching arbitration was found in the hesitancy of all to advance in that direction, which induced me to remark to Mr. Irogoyen that true, it might seem difficult for Bolivia, who claims that her soil had been invaded, to propose to Chili arbitration, but as Peru had not been despoiled that *she might*, while in the last interview the minister said that, in the event of a reference to the United States ministers, his government (Peru) would be willing to allow them to fix the time of the disoccupancy of the disputed territory of Chili; and that being both gratified and encouraged at the manner, frankness, and spirit of Mr. Irogoyen, after consultation with Judge Christiancy, I concluded that I would undertake the tedious journey to Valparaiso that I might visit and consult my early friend, Mr. Minister Osborn, touching the troubles of the three countries, believing that from the known and acknowledged intelligence and fairness of the Chilian character, all that was necessary to put matters in the way of a pacific adjustment was for Mr. Osborn to submit, as a peaceful offering, the result of these frank, friendly, and unofficial conferences with the authorities of the other two contending powers, coupled with the sentiments already expressed by Mr. Osborn and myself for Chili's consideration, which neither compromise, embarrass, nor humiliate any or either, but presented a basis upon which all desirous of peace could consistently and honorably stand, and that I had only to add that I was satisfied, if Chili acceded to such suggestions, the peaceful and amicable arrangement would be speedily concluded with Presidents Prado and Daza upon my return to Arica, as I had conversed with each of them upon my way to Valparaiso, at the same time expressing a consciousness of having discharged all my duty to the Government of the United States (and more), as well as that, I owed to mankind, including that, *not* owed to these struggling republics, except as implied by considerations imposed by a common humanity, I only awaited the *action* of his (the Chilian) Government, before reporting to my government the easy steps I had taken in the premises since the date of my last dispatch to Mr. Secretary Evarts, informing him of all interviews with the Bolivian authorities before leaving La Paz, including a copy of the minister's expressed willingness to submit all matters to the United States for arbitration, hoping that I might have the high privilege of conveying to my government the intelligence, gratifying to me as I knew it would be to them, that Chili had acted magnanimously and wisely, leaving with Bolivia and Peru the responsibility of a continuance of a war, if it was to be prolonged, which I was satisfied they would shrink from, but would at once take such action as would promptly terminate the war, end strife, and restore peace.

Upon the following morning, Mr. Huneens called at my room at the hotel, with Mr. Osborn, and informed us that, so far as Bolivia was concerned, there was no difficulty in submitting all matters to arbitration as we had talked, but that as to Peru the Cabinet was not prepared to say, and desired a little time to feel their way in Congress, which was

in session, and that he desired the matter left open for consultation with Mr. Osborn, to whom he would give a written expression of views during the day, and which, when received, Mr. Osborn will furnish you a copy of.

Returning, upon reaching Arica, Bolivia's business port, I was called upon by the aids of Presidents Daza and Prado, and requested to name an hour for an interview, which took place in the afternoon.

I informed them of the result of my labors and assured them that no earthly consideration save a desire for peace and the welfare of their people could have induced me to have taken upon myself the labor I had performed in their behalf, and especially without any knowledge of my government, and which I had undertaken without any direction from it, since I believed that it would justify me in so doing, inasmuch as both Bolivia and Peru had expressed a desire that they not only would be satisfied by the arbitration of the United States, but that they preferred a settlement at the hands of that power in preference to any other power of the world, and that I had been informed that such was the desire of Chili, and that such being my information, and knowing that it would take over two months to consult and receive instructions from my government, I deemed it my personal and representative duty to do as I had, and trust to the judgment of my government for a justification of my conduct.

While they repeatedly expressed their gratification for the interest I had taken in the welfare of all three of the republics, and showered upon me their sincere thanks for my labors for the peace and prosperity of Bolivia and Peru, it was too evident and perhaps needless to add that they were disappointed at the failure of the movement in favor of arbitration, as already referred to, and greatly regretted it. President Prado stated to me explicitly that they, Peru, were in the war out of consideration for Bolivia, and if Bolivia said peace, let it come; if war, so be it; and if she desired arbitration, Peru accepted that.

I said, in answer to an inquiry upon the subject, that I thought the United States Government would offer mediation if Peru and Bolivia desired and requested it, but further than that I could not speak, as I had never assumed or ventured an opinion as to the position of my government, aside from an earnest desire that I had no doubt it cherished for *peace*.

I have been thus minute in disclosing to you every movement made and every word uttered upon this subject, in order that you may readily discover not only *what* I have done, but the reason for so doing, and shall be more than compensated for my unofficial labor if I have not incurred your displeasure in endeavoring to merit and deserve your approbation.

Indications along the coast for some time have occasioned ground for fears, and with many the expressed opinion, that at no distant day there would be foreign intervention, and my action was influenced in a great measure from a desire that an early adjustment might take place that would relieve our government from the enunciation of any opinion in the premises upon the principle contained in the Monroe doctrine, and that might involve embarrassing complications; and hoping that I have not mistaken the desires of my government or overestimated their desire for an early and amicable adjustment of these unfortunate South American troubles, I have the honor to submit all my action in this behalf to you for your superior consideration, at the same time subscribing myself, &c.,

S. NEWTON PETTIS.

[Inclosure 1 in No. 22.]

BOLIVIA'S POSITION.

All under the especial condition not to take any decision or compromise without the knowledge and approval of the Peruvian Government.

The authorities of Chili, civil and military, to withdraw from and disoccupy all territory that they have taken possession of upon and since the 14th day of February, 1879, leaving all things in the state and condition they were in, previous to the 14th day of said month.

Then, if arbitration is agreed upon, the arbitrators to hear, determine, and decide all matters in dispute between Bolivia and Chili and Peru, and establish the divisory line between the two countries; Bolivia claiming the boundary line affixed by the Chilian constitution, taking into consideration the damages caused by the act of the 14th of February, and the subsequent aggression claimed by Chili, the expenses of the war.

The reference may be made to the President of the United States of America as sole arbitrator, or to the judges of the Supreme Court of the United States of America, or to the ministers of the United States of America in Peru, Bolivia, and Chili; a decision by a majority of the arbitrators sitting, to be valid and binding upon the parties, to be approved in its execution and perpetuity by the President of the United States.

[Inclosure 2 in No. 22.]

SUGGESTIONS.

Whereas it has been suggested through a friendly medium that even now the path way to an early, honorable, and profitable peace leads in the direction of arbitration at the hands of some known and acknowledged power, alike friendly to Peru, Bolivia, and Chili;

And desiring, in the spirit of conciliation and compromise, and in the interests of peace and humanity, to transfer and elevate the contest of principle from the theater of force to that of reason and conscience:

It is agreed that all differences and all matters in dispute between Peru and Bolivia upon one side, and Chili upon the other side, of whatever character, class, kind, description, or extent, be submitted to * * * who shall be requested to meet upon the * * * of September, 1879, for the purpose of receiving and considering the statements of the proper representatives of each of the three republics in support of their respective views and claims, and, after such presentation, hearing, and consideration, to determine and decide upon all matters concerning which Peru, Bolivia, and Chili are now at variance; and the same being reduced to writing and signed by a majority of the arbitrators, to be final, binding, and conclusive upon the said republics and the governments thereof.

And in the event that the arbitrators should be of opinion that Bolivia is justly and equitably entitled to any territory south of the twenty-third parallel south latitude, it is understood that the arbitrators, or a majority of them shall ascertain and fix the amount that Chili shall pay to Bolivia, and the manner of payment for said territory, provided the respective legally constituted representatives before the arbitrators cannot agree upon such amount as compensation therefor, and the divisory line between Chili and Bolivia shall thereupon by such arbitration established upon the said parallel *twenty-third south latitude;* therefore, it is stipulated:

That from this —— day of August, 1879, hostilities of every character shall cease, and neither party augment its force on land or sea; that Chili at once disoccupy all territory north of the 23d degree of south latitude, withdrawing all her forces, both by land and sea, south of said 23d degree, leaving clear to Bolivia as well the coast south of said degree ten minutes below said twenty-third parallel, but in all other respects the *status quo* to remain as at present. This instrument to have no force or validity until signed by the proper authorities of the three republics.

No. 10.

Mr. Pettis to Mr. Evarts.

No. 23.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, August 25, 1879. (Received October 16.)

SIR: I have the honor to acknowledge the receipt of your dispatch of the 23d June last (No. 12), and have, in compliance with directions therein

contained, called the attention of the minister for foreign relations of Bolivia to the subject of your dispatch, as will appear from a copy of my said letter herewith forwarded, marked inclosure 1.

I am, &c.,

S. NEWTON PETTIS.

[Inclosure in Mr. Pettis's No. 23.]

LEGATION OF THE UNITED STATES,
La Paz, August 25, 1879.

SIR: I am informed by an official dispatch from Washington that the United States Government has received information that the British Government has lately been informed that the Government of Bolivia has decreed the issue of letters of marque, with authority to privateers to seize Chilian property in neutral vessels, and that agents have departed for the United States, and assuming that my government has been correctly informed, I am directed by it to call the attention of the Bolivian Government to the treaty of 1858, and especially to the sixteenth article thereof, which stipulates for the freedom from capture or confiscation of effects or goods belonging to subjects or citizens of a power or state at war when found on board of neutral vessels, with the exception of articles contraband of war.

May I ask your excellency to be kind enough to advise me whether the information received by my government touching the decree of the Bolivian Government hereinbefore referred to is correct or not?

Allow me to renew to your excellency the assurances of the high consideration with which I have the honor to remain, &c.,

S. NEWTON PETTIS.

No. 11.

Mr. Pettis to Mr. Evarts.

No. 24.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, August 25, 1879. (Received October 16.)

SIR: I am in receipt of your dispatch of June 25 (No. 13), and inclosures, and in answer thereto I have the honor to inform you that I have transmitted one copy of the Treasury circular to the minister of foreign relations of Bolivia, as will be seen by my letter addressed to him upon the subject, a copy of which is herewith inclosed and marked inclosure 1.

I am, &c.,

S. NEWTON PETTIS.

[Inclosure in Mr. Pettis's No. 24.]

LEGATION OF THE UNITED STATES,
La Paz, Bolivia, August 25, 1879.

SIR: In connection with my note this day addressed to your excellency upon the subject of information received by the British Government and communicated to the Government of the United States touching upon the supposed action of the Bolivian Government with reference to the issuing of letters of marque, I inclose herewith a copy of a circular issued by the Secretary of the Treasury of the United States of America under date of the 21st June last, bearing upon the subject of the observance of the neutrality laws of the United States, all of which is most respectfully submitted to your excellency's consideration.

With distinguished consideration, I have the honor to be, sir, &c.,

S. NEWTON PETTIS.

No. 12.

Mr. Evarts to Mr. Pettis.

No. 25.] DEPARTMENT OF STATE,
Washington, September 19, 1879.

SIR: I transmit herewith a translation of an article from El Comercio, of the 7th of August last (a newspaper published in Lima), in which it is represented that information had been received from a private source that you had come on a special mission to the Republics of Bolivia, Peru, and Chili, and that an interview had taken place between yourself and General Prado; and from another source it is represented that an interview was subsequently held between yourself and General Daza.

In reply I have to express regret that any opportunity for such observations as are contained therein should have been furnished by your intercourse in these countries on your way to Bolivia. In view of these representations you are desired to make an explicit statement on the subject, though the Department is, in advance, disposed to consider it impossible that you should have assumed any functions, express or implied, outside of your own mission to Bolivia.

I am, &c.,

WM. M. EVARTS.

No. 13.

Mr. Pettis to Mr. Seward.

No. 31.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, September 25, 1879. (Received Nov. 4.)

SIR: I have the honor to acknowledge the receipt of your dispatch of the 11th ultimo (No. 18), and to inform you that I have observed the direction therein given, as will appear from inclosure 1 of this dispatch.

I have the honor to be, sir, &c.,

S. NEWTON PETTIS.

[Inclosure 1 in No. 31.]

Mr. Pettis to His Excellency the Minister of Foreign Relations of Bolivia.

SIR: I have the honor to inform you that I am in receipt of a dispatch from my government at Washington, acknowledging the receipt of two pamphlets expressive of the views of Bolivia upon the questions at issue between Bolivia and Chili, forwarded by me to the State Department at Washington upon the 6th day of last June, at the instance of the then Acting President of Bolivia, and I am directed by the same to convey to the high source whence they emanated the thanks of the Government of the United States, and I have taken great pleasure in so doing.

Allow me to renew, &c.,

S. NEWTON PETTIS.

No. 14.

Mr. Pettis to Mr. Evarts.

No. 35.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, September 29, 1879. (Received Nov. 15.)

SIR: I have the honor to be in receipt of your dispatch of the 8th ultimo, No. 17, with inclosure, consisting of a copy of a dispatch from

Mr. Minister Dichman, United States minister resident at Bogota, under date of June 20 (last), No. 100, and have considered both carefully, and shall bear in mind your suggestions if the occasion which your dispatch contemplates presents itself.

I have been informed by Mr. * * * that the Bolivian authorities here have been informed of the action of the Colombian Congress to which Mr. Minister Dichman refers, and have information that Doctor Arosemena visited Presidents Daza and Prado at Arica, in pursuance of his appointment and in furtherance of the object of his special mission, but that his mediatory offer upon the part of Colombia was rejected by both. Whether he visited Chili or not I have no information.

The failure of the special mission of Doctor Arosemena strengthens me in the opinion I have for some time entertained, which is that neither of the three belligerent powers desire the mediation or interference of any power but the United States, and I believe would accept gladly the mediation of our government at once, if tendered.

I am, &c.,

S. NEWTON PETTIS.

No. 15.

Mr. Pettis to Mr. Seward.

No. 36.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, September 30, 1879. (Received Nov. 15.)

SIR: With reference to your dispatch of the 18th ultimo, No. 21, this day received, acknowledging the receipt of mine dated June 28 (last), No. 15, I may be permitted to say that I am gratified to learn that the action to which my dispatch referred met with Department approbation.

If not already, you will soon be in possession of the "*further developments*" of the question presented in such dispatch, and which I am glad to be informed is interesting the Department, as you will find all set forth in my dispatch No. 22, the length of which I regretted, but could not prevent.

From the contents of your dispatch I find further ground for the opinion some time entertained by me that these three contending powers all desire the settlement of their troubles by the United States, and I doubt whether all can agree upon any other power either by way of mediation or arbitration.

I think I intimated in a former dispatch that the late minister for foreign relations and Acting President of Bolivia, Pedro J. Guerra, had stated to me that Great Britain, Germany, and Brazil had tendered their friendly offices, and that M. Irogoyen, the Peruvian minister of foreign relations, had intimated to me the same thing, while Mr. Huneens, of the Chilian cabinet, added thereto the information that Ecuador, through a special envoy, Ex-President Urbina, had also offered the mediation of Ecuador, which had been declined; and now added to such refusals the rejection of Colombia, taken in connection with the several verbal avowals to me upon the subject, establishes me in the belief that they all desire the mediation of the United States, and that each and all are too proud *to ask* our government to interpose its friendly offices, as each of the ministers referred to declared to me that they would be satisfied with any action the United States might take in the direction and interest of peace.

I account for such preference, first, from the fact that Great Britain, Germany, and France are more largely interested financially upon the western coast of South America, and I may say in the three republics, than the United States, for it is doubtless true that the industries that have been paralyzed, and the commerce that has been destroyed by bombardment, which seems to be the favorite and principal system of warfare practiced thus far, was produced by their capital and fostered by their energies and intelligence, and it would not have occasioned any surprise to me had the countries whose citizens had invested their capital for the welfare of some, if not all, of these republics forbidden the destruction of their property by conduct that fell but little, if anything, short of a wanton indulgence of madness, malice, and folly.

Secondly, they pride themselves upon the avowal that they are as fast as possible fashioning their form of government after our own, and are vain enough to believe that they are succeeding, and that the United States are gratified, not to say flattered, by their exertions in this direction, and therefore feel an interest in the success of their experiment, and would deplore a failure upon their part, whether it came from internal dissensions or foreign intervention.

So far as the mediation of Ecuador and Colombia is concerned, I think the belligerents looked upon the offers as but little, if any, short of presumption upon their part, while Brazil's tender was not considered entirely disinterested under the circumstances.

In this connection I may say that Mr. Bollivino but yesterday informed me that the Brazilian minister resident here has been very importunate in his efforts and endeavors to have Bolivia accept Brazil's mediation, appealing to his excellency the late minister of foreign relations upon personal grounds, and giving as a reason that such an acceptance upon the part of Bolivia would result in his (the Brazilian minister's) promotion and advancement by his government.

I shall be glad to learn at any time that our government has moved in the direction of peace and a higher civilization for these people by way of mediation, feeling confident that such a step upon the part of the United States would be hailed with delight and satisfaction by all concerned, firmly believing that the hope of all, turns to the United States, and that such mediation, and such alone, will promote and secure the material interests of these three republics and those of South America generally, realizing as I do that the manner of conducting the war in the past and present is a piece of stupendous folly, and if persisted in can only result in utter ruin, bankruptcy, and national death, as the maintaining of their respective armies (so far from each other) will soon impoverish all.

Neither party has a fleet strong enough to engage in a conflict that would entitle itself to the dignity of a naval engagement, but each go skulking around seeking a safe opportunity (in the absence of the other) to destroy some thriving little town upon the coast, the product of foreign industry, capital, and enterprise, and sinking their launches; and it is palpable to the most casual observer of men and things that such campaigning can never end the conflict.

I know of no diversity of opinion in any of the three republics upon the question of a pacific adjustment of the differences and difficulties of these people, *all* feel that it should take place and promptly, but wherever you find the English entrenched with capital and strong in numbers, as in Valparaiso, or a small sprinkling of individuals as at Mollendo, you will hear mutterings about Yankee intervention, but it finds no countenance with or among the citizens or possessors of the soil, and

such blustering is understood by all to be the product of an anxiety to have England interfere and pacify these people.

As you may correctly infer from what I have hereinbefore stated, aside from this small English bluster, all not only desire our government's prompt action, but really expect it, and in fact, I think, are generally surprised at the delay upon the part of the United States.

My position here is understood perfectly (and has been from the outset) to be in favor of arbitration by a *friendly* power, that all could consider impartial, and have only entertained the consideration of the action of our own government in that connection, except as the indicated preference expressed by the cabinets of all three of the countries made it not only proper but absolutely necessary that I should.

Mr. Allen Carr, the Brazilian minister resident here (and who you may remember in Washington during the rebellion), volunteered to me a few days since the expression that after one engagement of the parties' forces he "would be with me in my efforts," meaning, I suppose, my efforts at pacification.

I have, &c.,

S. NEWTON PETTIS.

No. 16.

Mr. Hunter to Mr. Pettis.

No. 26.] DEPARTMENT OF STATE,
Washington October 1, 1879.

SIR: A dispatch, without number or date, has been received from you, detailing the incidents of your recent visit to Lima and Santiago, in the interest of peace between the parties to the existing war.

As your expedition was professedly undertaken without the knowledge or direction of your government, and as favorable results therefrom were not apparent at the time your dispatch was written, it seems premature to express either approval or distrust of your course. Your aim seems to have been limited to endeavoring to make each of the three governments concerned privately acquainted with the desire of the others for the termination of the contest, and the extent to which each might be disposed to make concessions in order to reach an accord as to the basis on which their differences might be eventually submitted to the arbitration of a friendly power, should a direct settlement be unattainable. Unauthorized, and even rash, as your experiment might appear, it may at least have led the contestants to the healthy consideration of the terms on which the strife might be ended. Should the knowledge of the views of each other thus gained conduce to an eventual settlement, this government could not but rejoice at the result. It is not, however, disposed to dictate a peace, or to take any steps looking to arbitration or intervention in disparagement of belligerent rights, or even to urge the conditions under which it may be reached. Its good offices have not been tendered, but if sought on a practicable basis of arbitration submitted by the several parties to the struggle, the President would not hesitate to use them in the interest of peace.

In this respect of the question, and having your own assurances that the governments with which you have conferred have been frankly acquainted with the unauthorized character of your expedition, the Department dismisses, as unbased rumor of a hostile press, the statement in

some of the Chilian journals, that you have indicated a purpose on the part of this government to end the war by intervention or by arbitration on terms proposed by itself.

Your further and frank reports on this matter are awaited with interest.

I am, &c.,

W. HUNTER,
Acting Secretary.

No. 17.

Mr. Pettis to Mr. Seward.

Unofficial.] LA PAZ, *October* 4, 1879.

DEAR MR. SECRETARY: I was to-day invited to a conference at the office of foreign relations for next Monday afternoon, of which I have advised Secretary Evarts.

I inclose a slip from the last issue (second) of the Panama Star and Herald, and the previous number as well. I send them that you may see how gently they write. I am assured, and am satisfied, that the people of the three republics have none other than the kindest feelings toward me, for the quiet course I have pursued in endeavoring to have them gratified in the interest of peace and civilization, and am myself gratified to be able to indulge in the belief that my labors will bear fruits, and that all will redound to the interest of North as well as South America, and their honor also.

With best wishes for your health and prosperity, and kindest regards to Mr. Secretary Evarts, I remain as ever, &c.,

S. NEWTON PETTIS.

Hon. F. W. SEWARD,
Washington, D. C.

[Inclosure 1 in Mr. Pettis' letter of October 4, 1879.]

[From the Panama Star and Herald, Lima correspondence of August 13, 1879.]

The American minister in Bolivia, Judge Newton Pettis, recently visited Arica and Iquique and had long private interviews with Generals Prado and Daza. He then proceeded to Chili. It is rumored that some attempt at mediation is being made by the United States, but if such is the fact the secret has been admirably kept. General Urbina, the special envoy of Ecuador to Chili, approached the Santiago Government with the same purpose, but met with immediate and decisive rebut.

[Inclosure No 2—From the same, Lima correspondence of August 27, 1879.]

By the last steamer from the south we are informed that the honorable Mr. Pettis, United States minister to Bolivia, had returned to Arica from his visit to Chili, and held a long private interview with Generals Prado and Daza. As was mentioned in a previous dispatch it is surmised that an effort is being made by the Government of the United States towards mediating in the present question between the three republics, and that this is the direct object held in view by Mr. Pettis. It is even named here that the probabilities are in favor of peace, and that Chili has consented to a suspension of hostilities, and that the respective Presidents of Peru and Bolivia are not averse to an arrangement of difficulties on an equitable basis. Peru would be

the gainer probably in some new dispositions regarding the goods for Bolivian consumption dispatched through her custom houses and transported over her territory; Bolivia would be placed again in possession of the ports seized by Chili, whilst the pretentions of Chili and Bolivia to the territory would be left to the arbitration of some third power. These are the rumors prevalent here, but such reticence is observed in official circles as to render it impossible to guarantee their accuracy. The belligerents, and Chili more particularly, evidently perceive that the struggle must be prolonged for an indefinite period, as the limited resources at their disposition naturally hamper all extensive military or naval movements, and Peru, with her diminished navy, cannot venture a decisive combat on the sea.

The American minister for Bolivia, Mr. Pettis, arrived at Arica on the Lima.

No. 18.

Mr. Pettis to Mr. Evarts.

No. 41.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, October 7, 1879.
(Received November 24, 1879.)

SIR: I have the honor to inform you that I yesterday attended the conference to which I was last Saturday invited by his excellency, Mr. Serapio Reyes Ortiz, minister for foreign relations, and of which I advised you of that date, in my dispatch No. 40.

Mr. Bollivino, the government interpreter and translator, called for me at the hour previously designated; and none were present at the conference but Mr. Ortiz, Mr. Bollivino, and myself.

His excellency at first took occasion to allude to the matter embraced in a communication which, in obedience to instructions from the Department, I some time since addressed to Mr. Guerra, the then acting minister of foreign relations, afterwards deceased, respecting the decree of the president of this republic in reference to letters of marque, assuring me that I should receive an answer at an early day.

Mr. Ortiz was in possession of the portfolio for foreign relations at the time of the declaration of war by Chili, but passed it over to Mr. Guerra to accept an important special mission to Peru, remaining at Lima until President Prado left the capital, about the middle of May last, to assume command of the Peruvian army at Arica and Tacna, when Mr. Ortiz accompanied him, remaining with the two presidents, Generals Daza and Prado, acting as secretary-general of state under General Daza until called here, to resume the portfolio he had laid down, in consequence of the death of Mr. Guerra, and is now the acting president of Bolivia.

I met Mr. Ortiz in Lima, on my way here, he calling upon me, in company with Mr. Minister Flores, the envoy extraordinary of Bolivia to Peru. I met him, with President Daza, at Pisaqua, when passing down the coast late in July, and at Arica, with both presidents, Generals Daza and Prado, upon my return. He was their adviser and counsel then, and I may say he is so still.

The conversation and conference soon turned upon the war, which, doubtless, was the purpose of calling it. Mr. Ortiz desired to know the feeling in the United States, and of our government.

I stated that I had learned nothing from that direction since my interview with the two presidents at Arica, in his presence, to change the

opinion by me then expressed; that my government deplored the unhappy differences existing between Chili, Bolivia, and Peru; and that I felt satisfied that the United States would gladly assist in any proper way in its power in the settlement of their troubles; in truth, stood ready to render any assistance it might in honor be able to, toward the restoration of peace, but was, of course, averse to doing anything, or saying anything, that would be considered by the parties interested either officious or presumptuous upon her part.

Mr. Ortiz then remarked that Bolivia had been all the time, and still was, in favor of mediation, and that he believed Peru was also; but that it had not been offered by any power that they felt inclined to accept; but that an offer of mediation from the United States would be considered respectful and respectable, coming from a responsible, powerful, and friendly nation.

I expressed the opinion that if my government was satisfied that the contending parties desired to avail themselves of its good offices, and that amicable relations could be restored through its efforts, I could not believe that the President of the United States, influenced by his desires to restore peace to the people of the three republics with whom his government is on such terms of entire cordiality and friendship, and to advance their prosperity would hesitate to tender the good offices of the United States for that purpose, but I thought before any such mediatory step upon the part of my government was taken, it would have to be satisfied that the offer would be acceptable to the contending powers, and in the spirit that it would be made; whereupon Mr. Ortiz stated that President Daza and President Prado, as well as himself desired the mediation of the United States and would gladly accept the same if offered, but that inasmuch as Chili had declared the war, Bolivia and Peru did not feel that they could honorably solicit formally the mediation of any other power.

I then added that such being the wish and desire of the two governments, it was possible that my government in consideration of such position of Bolivia and Peru, might, in the interest of peace and in its well known character and office of peacemaker, make the desired offer and tender, when the knowledge of such a desire upon the part of Bolivia and Peru became known to the President, and which I should lose no time in communicating to him, feeling that I should incur his displeasure, if not forfeit his good opinion by withholding it; and thus ended a very cordial and pleasant interview that lasted from 2 o'clock until nearly 4.

This morning I addressed a "*private unofficial*" note to his excellency, Mr. Ortiz, a copy of which I herewith send forward marked "Inclosure 1," and a few moments since received a reply, which translated by Mr. Bullivian and copied by me is herewith inclosed, marked "Inclosure 2."

By a comparison of that portion of my note (Inclosure 1) that is included within quotation marks, with his excellency's reply, you will discover that the minister flinches a little as he speaks of a condition of the disoccupying of the territory taken possession of by Chili, and which is claimed by Bolivia. Mr. Bullivian, who delivered to me the letter and the translation, informed me that it was only inserted (the condition) as expressive of the feelings of the people of Bolivia upon that question.

This dispatch will in all probability reach the department some time from the 15th to the 20th proximo, when I hope to be at Panama, and shall be pleased to receive, by cable, any advices that the department may desire to send me at that place.

Should I have occasion to cable the department from Panama, I will use for the word—

Mediation, Japan.
Arbitration, Panama.
Ecuador, Colon.
Columbia, Florida.
Brazil, Alabama.
Territory, Holland.
Christiancy, Letter "C."
Osborne, Letter "O."

In view of the fullness of this dispatch, it is not probable that any cablegram will be found necessary from me unless made so by advices that the department may address to me there.

I am of the opinion, from what occurred between the Chilian authorities and Mr. Osborn and myself at Santiago, that Chili desired, and will accept, the mediation of the United States, if it is offered, and I think Mr. Osborn was of the same opinion.

My impression is that all of these people are in fear of early armed foreign intervention, and perhaps not without reasonable ground for such apprehension.

I should, perhaps, state that Mr. Bullivian informs me that since the reply of Mr. Ortiz to me, Mr. Ortiz conferred fully with the envoy extraordinary of Peru, at La Paz, and that he concurred fully in Mr. Ortiz's expression to me.

I have the honor, &c.,

S. NEWTON PETTIS.

[Inclosure 1 in No. 41.]

Mr. Pettis to Mr. Ortiz.

Private and unofficial.] LA PAZ, *October* 7, 1879.

SIR: The more I reflect upon the character and conclusions of our interview yesterday, the more am I gratified at both, realizing that from the known, close, confidential, and intimate relations, personal and official, that have existed between both President Daza and President Prado and yourself since the declaration of war by Chili, you were authorized and prepared to speak for them and their governments as well, so far as an expression of their views and wishes concerned the question of the war, and peace as well.

You were pleased to say to me upon the occasion referred to, that "President Daza and President Prado, as well as yourself, desired the mediation of the United States, and would gladly accept the same, if offered, but that inasmuch as Chili had declared the war, Bolivia and Peru did not feel that they could honorably solicit formally the mediation of any other power."

I address to your excellency this private and unofficial note, for the purpose of asking if you will be pleased to put such statement upon paper, with translation by Mr. Bullivian, in order that I may establish it to the President of the United States, and to the Honorable William M. Evarts, Secretary of State of the United States, believing as I do that a compliance with such suggestion will result in such desired offer upon the part of the United States Government at an early day.

I have, &c.,

S. NEWTON PETTIS.

[Inclosure 2 in No. 41.—Translation.]

Mr. Ortiz to Mr. Pettis.

LA PAZ, *October* 7, 1879.

SIR: I answer with pleasure your welcome note of this date, with the same private character as the sentiments that we have interchanged in our unofficial confidence.

I have assured to your excellency that I believed that I knew of the feelings of their excellencies, the supreme directors of the war, and those of their respective governments of Bolivia and Peru, and the special reasons of the intercourse that I have maintained with them, and that I can formulate these feelings in following terms:

The allied nations will not refuse any mediation, but they cannot solicit it. They will see with pleasure that the supreme government of the United States will interpose effective or practical mediation in preference to that of any European states. As Peru and Bolivia have been offended, it would not be dignified and honorable for them to make any insinuations at all about a mediation; but they would accept it under the particular condition that the invaded territory of Bolivia shall be disoccupied by the Chilian forces.

The allied nations do not make war, only because they have been impelled to it; and they do not pretend to usurp the Chilian territory, nor diminish the rights of Chili as an independent state, but it is only to recover the usurped territory, conserving our own rights of sovereign states and the dignity of the pavilions of Peru and Bolivia.

They do not refuse the arbitration, and they will agree with the designation of any arbitrators whatsoever that may be honorable.

These ideas constitute the feelings of the directors of the two allied nations and are those of which I have the honor to manifest to your excellency, so that you can make use of this private letter with the noble purpose your excellency has undertaken for your government and the belligerent nations.

I have, &c.,

SERAPIO REYES ORTIZ.

No. 19.

Mr. Pettis to Mr. Evarts.

No. 42.] LEGATION OF THE UNITED STATES,
La Paz, October 8, 1879.
(Received November 24.)

SIR: Had time permitted before the mail of yesterday closed I should have inclosed a map, herewith sent forward, and added a few words explanatory thereof, which with it, is now submitted.

As I have been able to gather the facts involved in this controversy from the most reliable data at hand, I conclude:

First. That in the colonial times of these countries now at war Chili exercised her jurisdiction unchallenged as far north as the 23d degree (south latitude), which included the Bay of Majellones and a southern portion of the desert of Atacama.

Second. That after the Spanish yoke was thrown off no change was made in the boundaries between Bolivia and Chili for years.

Third. That it seems to me that there can be little, if any, doubt about the fact that the rich and valuable guano discoveries on the coast of the Atacama through the enterprise and industries of Chili, about 1840, resulted in a claim by Bolivia that has since been the subject of much controversy and several treaties, at least two.

Fourth. That discussion continued between the two countries, Bolivia and Chili, until 1864 or 1865, when an attempted invasion by Spain seemed to necessitate relations of cordiality between Bolivia and Chili, if they would observe the first law of nature, and, doubtless influenced by interested and selfish considerations, they were induced to forget, or at least smother, their own dissensions, in order to strengthen each other and make common cause against a common foe, concluded a treaty establishing the boundary line at 24th degree, which conceded to each a sort of tenancy in common between the 23d and the 25th degrees, upon certain conditions and under certain restrictions.

Fifth. Thus the two governments finally found themselves at vari-

ance upon the question of treaty stipulation observance, when discussion upon the subject resulted in the treaty of 1874 between Chili and Bolivia, which, by modification and change, actually abrogated the treaty of 1866, when in 1878 the two powers find themselves further apart than ever, and it would seem with respect to the observance or disregard of the treaty stipulations contained in the instrument and covenant of 1874, concerning which they went to war, and that, too, notwithstanding the treaty provided for arbitration between the parties in the event of any further or future misunderstanding.

Peru finds herself involved, either willingly or unwillingly, in consequence of a secret treaty with Bolivia, made in 1873, providing for the mutual protection of each other.

If I am correct in the premises, would it not be enough to ask of Chili to withdraw her forces south of the twenty-three and a half (23½) degree, *preceding* arbitration, if proposed and agreed upon? That would leave to Chili Antofagasta while arbitration was progressing, and to Bolivia Mejillones and Caracoles, although the map sent, locates Caracoles (in error) north of the 23d degree.

I suggest this in the belief that Chili would consent.to this, and in that connection ask if Bolivia should not be satisfied with that as preliminary to pacific proceedings.

You will see that I have pencilled a line midway between the 23d and 24th parallel, which I think a fair subject of compromise upon the "*disoccupancy*" question, which Bolivia is always *remembering* and never *forgetting*.

I have the honor, &c.,

S. NEWTON PETTIS.

No. 20.

Mr. Pettis to Mr. Evarts.

No. 43.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, October 9, 1879. (Received November 24.)

SIR: I have the honor to inclose a translated copy of a communication this day received from the minister of foreign relations of Bolivia, in reply to mine to him with reference to the subject-matter of your dispatch No. 12, which is marked Inclosure 1.

The delay in answering mine upon the subject doubtlesss arose from he sickness and death of Mr. Guerra.

I am, &c.,

S. NEWTON PETTIS.

[Inclosure 1 in No. 43.—Translation.]

Mr. Ortiz to Mr. Pettis.

LA PAZ, *October* 9, 1879.

Mr. MINISTER: The executive council of this republic has had the honor to receive and take note of the dispatch your excellency has favored us with on the 25th of last August, with the object of advising us that your excellency has been informed by official note from Washington that the Government of the United States has learned that the British Government has been informed of a decree issued by this government, authorizing the use of privateers and the capture of Chilian property in neutral ships, and that to this effect Bolivia has sent agents to the United States.

In consequence of this, your excellency calls the attention of my government to the

treaty celebrated between the United States and Bolivia in 1838, and very particularly to the 16th article of said treaty, which expresses that the effects or goods belonging to the citizens of a belligerent nation are protected on board neutral ships, with the exception of contraband articles.

Answering the question which thereby arises, and which your excellency has the honor to put to me, whether the information received by the United States as to the decree given out by Bolivia is or is not true, I am gratified to inform your excellency that, in fact, my government, in the exceptional circumstances in which Bolivia finds itself as to the other states, for it absolutely does not count upon a single ship at sea, and in order to counteract the aggression of Chili, which possesses a powerful navy, has thought convenient to authorize in its defense the use of privateers, by the supreme decree published on the 26th of March, of the present year.

Your excellency will understand the perfect right that pertains to Bolivia, as she has not adhered to the treaty of Paris, which prohibits the fitting out of privateers; having besides respected the exceptional case which, by the treaty of 1858, exists with the United States, as, allow me to inform your excellency, in the decree issued by my government authorizing the privateers to seize all cargo of Chilian property found on board a neutral vessel, whether a contraband or not, are excluded those cargoes sailing under the United States flag.

With this declaration I have, &c.,

SERAPIO REYES ORTIZ.

His Excellency S. NEWTON PETTIS,
Minister Resident of the United States, &c.

No. 21.

Mr. Pettis to Mr. Evarts.

No. 44.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, October 15, 1879. (Received Nov. 24.)

SIR: I take pleasure in inclosing the communication of Mr. Minister Ortiz, of this date, in reply to mine to him last August, inclosing to him, as directed by the Department, a copy of a circular issued by the Secretary of the Treasury, accompanying your dispatch No. 13, marked Inclosure 1, translation.

I have the honor, &c.,

S. NEWTON PETTIS.

[Inclosure 1 in No. 44.—Translation.]

Mr. Ortiz to Mr. Pettis.

LA PAZ, *October* 15, 1879.

Mr. MINISTER: The council of ministers charged with the executive power of the government has had the honor to consider your official note, which, on the 25th of August, your excellency had the kindness to address this ministry, with inclosed copy of a circular published by the Secretary of the United States of America, in which the observance of the neutrality laws in the present war which Bolivia now sustains with the Republic of Chili is recommended.

Acknowledging, your excellency, the receipt of said official note and inclosed circular, I have the honor to refer you to the answer which I addressed to you on the 9th instant.

At the same time it is gratifying for me to repeat myself, yours, very sincerely,

SERAPIO REYES ORTIZ.

His Excellency S. NEWTON PETTIS,
Minister Resident of the United States of America.

No. 22.

Mr. Evarts to Mr. Adams.

No. 3.] DEPARTMENT OF STATE,
Washington, April 19, 1880.

SIR: I transmit herewith copy of a dispatch received from Mr. Thomas A. Osborn, United States minister to Chili, relative to the proposed exchange of prisoners of war between Chili and Bolivia. You will perceive that Mr. Osborn reports having written to the legation at La Paz on the subject. I have replied to Mr. Osborn that a change has been made in the incumbency of the mission, and that the person who had taken charge of the archives of the legation and consulate-general had not been invested by this government with any official functions, and could not, consequently, act in a diplomatic capacity toward the furtherance of the desired end.

The suggestion made in reference to the exchange of prisoners of war, like all others of a broadly humane character, has the sympathies of this government, and if the exercise of your good offices within their proper sphere will promote such a result without disparagement to the belligerent rights of any of the combatants, and especially of Peru, as the ally of Bolivia and presumably equally interested with her in such an arrangement, you are authorized to do what you can to promote the interests of humanity in the conduct of this unhappy war.

I am, &c.,

WM. M. EVARTS.

No. 23.

Mr. Adams to Mr. Evarts.

No. 3.] LEGATION OF THE UNITED STATES TO BOLIVIA,
Lima, Peru, June 14, 1880. (Received July 29.)

SIR: I have the honor to report my arrival at this place yesterday, the 13th instant. I was enabled to land at the blockaded port of Callao and reach this city without detention, through the assistance of Captain Brown, U. S. N., commanding the United States ship Alaska, whom by good fortune I met in the harbor of Chimbote, and who kindly placed his vessel at my disposal on its return trip from Chimbote to Callao. On entering the latter port I called with Captain Brown upon Admiral Rivera, commanding the blockading squadron of Chili on the coast, in order to inform him that in a few days I should land at Mollendo, a blockaded port further south, and request that the railway train which I would take there to proceed to La Paz be not fired upon from his ships, which request was granted readily and most willingly.

Captain Brown has informed me that in about a week he will be ready to take me to Mollendo, and I consider it really fortunate to have met him, as it would have been out of the question for me to visit Lima at all and place myself in communication with Minister Christiancy, which you considered advisable and of importance in your last verbal instructions, and which would have necessitated a land journey of several hundred miles through a desert, for which I was not prepared.

I will not endeavor to report upon events that have lately taken place here, as without doubt you will be advised by those who, being on the ground, have had better facilities to know. I will only state that after the defeat of the allies at Tacna on the 26th ultimo, General Campero, Provisional President of Bolivia, having lost half his army killed in the battle, separated from the Peruvian forces and with the remnant of his own soldiers took the road to Bolivia, promising, however, that he would return with a larger force. On the evening before the battle, General Campero had resigned the chief command of the allied forces, which had fallen to him by virtue of the treaty with Peru, stipulating that if the President of either republic should be with the troops he should be commander-in-chief of the troops of both republics, and had said when surrendering his command that on that day he ceased to be Provisional President of Bolivia, as the Congress of that country, called together to elect a constitutional President that day, had no doubt fulfilled its mission. The latest news from Bolivia, however, up to the 28th ultimo, is that, while said Congress had met on the 25th for the purpose of electing a President, it had failed to take a vote, adjourning from day to day and occupying the time with making patriotic speeches; evidently waiting for some news from the army. What may have happened in La Paz since that date it is impossible to say, and will be unknown probably for some time, but that perhaps another revolution with or without bloodshed has taken place may be imagined, when the hurried departure of General Campero from Tacna is considered, his own candidature before the Congres for election as constitutional President, and the hesitation of this Congress to proceed to a vote.

I am anxious to reach my post, and shall wait no longer than the Alaska is obliged to remain off Callao before proceeding to La Paz, although perhaps no time would be lost by remaining here until such time as some result of the action taken by the diplomatic corps should be apparent.

Should the action taken have any result, and possible proposals of peace from Chili be not entirely rejected by the Government of Peru, the latter could not act without also considering the status of Bolivia, and in that case it may be advantageous for me to know the wishes, ideas, and actions of the neutral representatives here, in order to co-operate with them in Bolivia after my arrival. I should be guided, however, in some measure by the opinion of Minister Christiancy, at whose request I attended a meeting of the diplomatic corps to-day, and who, I find, not only understands the situation thoroughly, but also has considerable influence in the deliberations of that body.

I am, &c.,

CHARLES ADAMS.

No. 24.

Mr. Adams to Mr. Evarts.

No. 4.] LEGATION OF THE UNITED STATES TO BOLIVIA,
Lima, Peru, June 22, 1880. (Received July 29.)

SIR: Since my last dispatch of the 14th instant, in which I had the honor to advise you of the existing uncertainty as to political affairs in Bolivia, advices have reached this city from La Paz to the effect that on the 1st instant General Narciso Campero was elected constitutional

President by the Congress, which had met on the 25th ultimo, after his report of the defeat at Tacna had been received, and after it had become known that the remains of his army were scattered and dissolved and that he himself was returning to La Paz with but a few followers.

Taking into consideration the reverses sustained by President Campero in the field, this action of Congress foreshadows a strong government for Bolivia, one that is well supported and therefore likely to endure.

I have the honor also to report that the proceedings of the Bolivian Congress, in its different acts and decrees passed, seem to indicate a further prosecution of the war with Chili, as new levies of men are projected; war material is to be gathered; the revenues of the republic pledged for war purposes, and any correspondence looking towards peace is to be considered treason and to be punished with death.

At the same time that the above news reaches us from La Paz, and without previous intimation whatever, a message of the Dictator of Peru addressed to the counsel of state is published, submitting a proctocol entered into by the representatives of both Peru and Bolivia on the 11th instant, looking towards the unification of the two republics into one, with a full constitution for the new republic, subject, however, to a plébiscite; all of which Mr. Piérola highly indorses, and advises its ratification.

Minister Christiancy will forward copies of the documents relating thereto, and will no doubt also report upon its merits and the probability of its adoption as far as Peru is concerned. Inasmuch as Bolivian advices are entirely silent upon the subject, it is impossible to say whether the people of that country, or even its present government, will agree to this confederation, and I cannot intelligently report thereon until I shall have reached La Paz and examined into the matter thoroughly.

I am notified that the steamer Alaska has finished coaling and will leave for Mollendo to-morrow, so I shall be enabled to reach La Paz by the 1st proximo, where I expect President Campero to be at the same time, and so be able to deliver my credentials to him in person, instead of to the president of the council of ministers, the secretary-general of state, or lately the first vice-president, under which different titles different persons have been in power in Bolivia since the flight of President Daza, and the absence from the seat of government of the Provisional President, General Campero.

I have, &c.,

CHARLES ADAMS.

No. 25.

Mr. Adams to Mr. Evarts.

No. 13.] LEGATION OF THE UNITED STATES,
La Paz, July 14, 1880. (Received August 25.)

SIR: Although in the political situation of Bolivia nothing startling has occurred since my arrival here, I deem it proper to advise you from time to time, and do so now, as the extreme quietness prevailing seems to me to be only the forerunner of a violent storm, which may engulf this Republic in utter ruin and end its existence.

Mr. Campero has been elected Constitutional President a month and

a half ago with the distinct understanding—he being the head of the War party—to carry on the war to the very extremes, if necessary; but instead, absolutely nothing has been done to organize a new army; so much so, that even the best battalion of Bolivian troops, which suffered most at Tacna, fought heroically, and was the only body which kept its organization after the defeat, on its arrival at La Paz was disarmed and furloughed against their will, simply because the government seems to be afraid of a new revolution. There are about 400 soldiers here in La Paz, and I see no indication of recruiting, drafting, or even of gathering the stragglers of the Tacna troops. Everything is at a standstill; no commerce; even production of the soil neglected. The Congress is still in session, but beyond proclaiming martial law in the republic, they have done nothing, but are considering in secret session, from day to day, the protocol of the Peru-Bolivia confederation, which, should it be accepted by the Congress, will surely lead to the disintegration of the republic, inasmuch as the southern departments are likely to join the Argentine Confederation, and one or two of the eastern departments Brazil.

In fact, the proposed confederation with Peru created no enthusiasm in Bolivia; the people, with the exception of where Peruvian interests predominate, are against it, and I should not be surprised that in the near future, either the peace party or the extremists will obtain control of the government, the present executive having failed to satisfy either party. That the government and the Congress understand this feeling is shown by the fact that the resignations of all the officials, especially in the south, of contrary opinions have been accepted, but at the same time I am informed confidentially that negotiations are now pending at least between Bolivia and the Government of the Argentine Confederation, not only to include the latter in the alliance against Chili, but in fact form a grand confederation consisting of Peru, Bolivia, and the Argentine Republic.

If this information is correct, it is of great importance, and if it should be accomplished it would change the status of the war materially, and at any rate would unite the different elements of Bolivia, as the south would really be enthusiastic for such a confederation.

The present political troubles in Buenos Ayres are, here at least, ascribed to intrigues of Chili, to prevent any possible alliance with its enemies, and should this be also understood at Buenos Ayres, the consummation of a triple alliance and confederation may be a thing of the near future, especially as Peru in its present financial difficulties would be very glad indeed, and it is indeed the only way out of its difficulties and to retain to coast districts now occupied by Chili, which contain the immense deposits of salitre and guano.

There are also rumors here that a certain party in Bolivia has made arrangements with Chili to make a separate peace, whereby the coast as far north as the River Loa shall fall to Chili, and Bolivia acquire the department of Moquequa, with the ports of Ilo and Arica, and the prosperous city of Tacna; but although no doubt such a course would be approved by many of the people here who are tired of the war, the international question of bad faith towards its allies, it is to be hoped, will preclude any such arrangement.

There are still some hopes expressed, especially since my arrival, that our government may see fit to intervene, and all sorts of rumors, such as the coast districts have been ceded to the United States in consideration of its help, or that the district of the Amazonas is to be purchased by us, gain credence amongst the people, which may be considered a

natural consequence of the course pursued by my predecessor, who seems of his own account to have acted very absurdly and has in many regards made my own stay very uncomfortable.

In conclusion, I have the honor to advise you that Mr. Cabrera, lately the Acting President of the republic, while the President was in command of the armies at Tacna, and himself a candidate before Congress, but defeated by General Campero, has been appointed minister plenipotentiary to the United States, and that his departure may take place at any time.

I am informed that Senor Cabrera is a thorough gentleman and able statesman, and although his appointment by many here is considered more an honorable banishment, it cannot fail to promote the good feeling existing between the two republics, and will undoubtedly be welcomed by yourself and the President.

I have, &c.,

CHARLES ADAMS.

No. 26.

Mr. Evarts to Mr. Adams.

No. 10.] DEPARTMENT OF STATE,
Washington, August 2, 1880.

SIR: With his dispatch No. 148, of the 20th of May last, Mr. Osborn, the United States minister at Santiago, Chili, transmitted to the Department a copy of his letter of the 13th of that month, addressed to Mr. Christiancy, the United States minister to Peru, in reference to the prospects of peace between the contending powers on the Pacific coast, and suggesting a method by which the Government of the United States might make its good offices available in the way of mediation.

Upon the receipt of this dispatch an identical telegraphic instruction was addressed to both Mr. Osborn and Mr. Christiancy for their immediate guidance in the matter referred to in Mr. Osborn's letter. The telegrams were dated the 29th ultimo, and read as follows:

> Press upon Chilian Government our desire to aid in restoring peace on honorable terms between nations, to which we are sincerely and equally friendly. A like instruction is sent to-day to Lima.

On the 30th ultimo an instruction, embodying the telegrams adverted to, was addressed to those gentlemen. Mr. Osborn was advised that the tenor of his letter to Mr. Christiancy was approved by the Department, and the minister to Peru was likewise informed of its action in respect of Mr. Osborn's letter to him.

A copy of Mr. Osborn's dispatch above referred to is forwarded herewith,* and that you may be further informed of the course pursued by the Department in regard to the letter which accompanied it, the above recapitulation of its action has been embodied in the present instruction for your complete and full understanding in the premises.

I am, &c.,

WM. M. EVARTS.

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* For text of Mr. Osborn's dispatch, see Doc. No. 13, *post*, p. 25.

No. 27.

Mr. Adams to Mr. Evarts.

No. 22.] LEGATION OF THE UNITED STATES,
La Paz, August 5, 1880. (Received October 5.)

SIR: Since my last dispatch (No. 13) concerning the political situation of Bolivia nothing of importance has occurred. Congress is still in session, doing nothing apparently, but said to be engaged in secret sessions to deliberate upon the question of peace or further prosecution of the war.

Two weeks ago the question of peace was not even discussed openly; now two of our journals here propose the necessary preliminaries looking towards an armistice, and within a few days the two most prominent members of the cabinet, Mr. Carillo, of state and foreign affairs, and Mr. Salinas, of war, have been mentioned as favoring such a policy.

Arica, the Peruvian port lately captured by the Chilians, has been opened to Bolivian commerce, but such commerce has been interdicted by the government at the demand of Peru, and in consequence it is now rumored that Chilian troops will shortly move towards this city or Puno, Peru; the latter the only place by which communication is kept open between the allies.

Should this prove true, and it is likely, as the sentiment of Chili demands some action, either place could be occupied by a small force, and then indeed all intercourse between Peru and Bolivia would necessarily cease.

It is already said that the government here will abandon La Paz and retire to Oruro, and private advices have been received from Tacna that such movement may take place very shortly.

The war party here consoles itself with late news from Lima, stating that several ironclads, with war material of all kinds, purchased in the United States, have arrived, or will shortly arrive, and will change the aspect of the war materially, and this slim hope keeps off utter despondency.

I rather look forward to an early invasion of Bolivia, and as La Paz will naturally be the object of the enemy's attack, I shall probably have my hands full in protecting property and persons in that event.

Everything, however, is uncertain, and a day may change the whole aspect of affairs.

I have, &c.,

CHARLES ADAMS.

No. 28.

Mr. Adams to Mr. Evarts.

No. 26.] LEGATION OF THE UNITED STATES,
La Paz, September 2, 1880. (Received October 12.)

SIR: I have the honor to transmit herewith copies of correspondence had so far in relation to the mediation offered by yourself to aid in the restoration of peace.

I have, &c.,

CHARLES ADAMS.

[Inclosure 1 in No. 26.]

Mr. Osborn to Mr Adams.

LEGATION OF THE UNITED STATES,
Santiago, Chili, August 10, 1880.

SIR: On the 5th instant I received from Secretary Evarts a telegraphic message, which reads as follows:

"Press upon Chilian Government our desire to aid in restoring peace on honorable terms between nations to which we are sincerely and equally friendly."

The Secretary informs me that a like instruction was sent to Lima.

Upon the receipt of this, I visited President Pinto and urged upon him the importance to all the belligerents of a peace, and endeavored to convince him of the propriety of their availing themselves for that purpose of the friendly offers of the United States.

I am just in receipt of a response, in which I am informed that mediation by the United States in the form suggested by me in May last in communication to Secretary Evarts and Minister Christiancy will be accepted by Chili.

The form suggested, in brief, was this: To have the belligerents appoint ambassadors with full power to meet at some point on their coast on board an American man-of-war, there to enter upon negotiations, in the presence of, and with the advice and assistance of, such ambassadors as the United States Government might designate.

I am not yet in receipt of a reply from the Department, but I cannot doubt that my suggestions have been favorably considered.

It seems to me that there ought to be no objection on the part of the belligerents to mediation in the form suggested, and if you shall find the Government of Bolivia ready to agree thereto, I trust you will not fail to promptly advise me.

The Government at Washington is evidently anxious that some extra effort should be put forth with a view of facilitating the restoration of peace to these unfortunate countries.

I have arranged so that your correspondence for this legation can be sent under cover to the commanding general at Arica. He will forward here communications for me. You will, I suppose, have little difficulty in sending letters through the lines to him.

I shall write to Mr. Christiancy of this matter by the first mail.

Please let me hear from you at your earliest convenience.

Very respectfully, &c.,

THOMAS A. OSBORN.

[Inclosure 2 in No. 26.]

Mr. Adams to Mr. Carrillo.

LEGATION OF THE UNITED STATES,
La Paz, August 27, 1880.

SIR: I have the honor to advise you that I have received a dispatch from the minister of the United States near the Government of Chili, wherein I am informed that, my government having urgently "pressed its desire upon the Chilian Government to aid in restoring peace on honorable terms between nations to which it is sincerely and equally friendly," mediation by the United States had been accepted by President Pinto in a form which I shall take great pleasure to communicate to your excellency, if efforts of that kind are at all considered with favor by the Government of Bolivia, and an invitation to a conference can be accepted.

I am also informed that the same invitation and for the same purpose has been communicated to our minister at Lima.

I improve the opportunity to renew to your excellency sentiments of my highest esteem, and have, &c.

CHARLES ADAMS.

[Inclosure 3 in No. 26—Translation.]

Mr. Carrillo to Mr. Adams.

MINISTRY OF FOREIGN AFFAIRS,
La Paz, August 31, 1880.

Mr. MINISTER: I had the honor to receive your esteemed letter of the 27th of this month, by which you are pleased to inform me that "the Government of the United

States having urgently pressed its desires upon the Government of Chili to aid in restoring peace on honorable terms between nations to which it is sincerely and equally friendly," mediation of the United States had been accepted by the President of Chili in a form which your excellency offers to communicate me with pleasure, if efforts of that nature are considered with favor by the Government of Bolivia, and if it accepts the invitation to a conference, which you had the kindness so generously to propose.

You are also pleased to advise me that the same invitation and for the same purpose has been communicated to the minister of the United States residing at Lima.

It gives my government great satisfaction to recognize the high intentions with which the most excellent Government of the United States has offered its respected mediation in order that the ravages of war, in which three nations of the Pacific are involved, may cease. This friendly action, which manifests the noble object with which the great Republic of the North interests itself for peace among the republics of the South, in which the domination of force is contrary to its destinies, will always be considered by my government with sincere acknowledgments of its obligation, and which I may be permitted to express to your excellency as the representative of such elevated sentiments of Americanism.

My government, convinced that the mediation offered by a nation of such high merit for its policy, which, while so eminently just, strives to keep intact in America the honorable independence of the states on the new continent, cannot be disregarded without grave reasons, has authorized me to receive from your excellency the propositions of the suggested mediation in the form in which it has been accepted by the President of Chili.

Without prejudice as to what the Government of the allied Republic of Peru may have to say, I have the honor, in response to your generous invitation, to state that I am willing to agree to the proposed conference at a time, which you might indicate, and naming as place the office of this ministry, if convenient to your excellency.

With sentiments of the most distinguished consideration, I have, &c.

JUAN C. CARRILLO.

[Inclosure 4 in No. 26.]

Memorandum of an interview between Mr. Carrillo, minister of foreign affairs of Bolivia, and the minister of the United States, Mr. Adams, at La Paz, September 1, 1880.

Mr. ADAMS, referring to his note of the 27th ultimo, states that he is informed by Mr. Osborn, the minister of the United States at Santiago, that the Government of Chili has accepted the mediation of the United States in the following form: "Each of the belligerents to appoint an ambassador to meet at some point on the coast, for which purpose the Government of the United States will place at the disposal of the powers an American man-of-war, there to deliberate upon the conditions of peace in the presence of, and with the advice and assistance of, such American or Americans as the Government of the United States shall designate."

Mr. CARRILLO asks whether any distinct basis is stipulated on which Chili has agreed to these proceedings, to which Mr. ADAMS replies that it has not, but that the object of the conference appears to him to be to come, if possible, to an understanding as to the basis whereupon an honorable peace can be accepted by the three countries.

Mr. CARRILLO thereupon asks what the result of the conference would be, if, as might be expected, the ambassadors cannot come to an understanding; whether he, in that case, is to understand that nothing further is to be done, or whether in that case, it is proposed to leave the decision of all questions and the conditions of peace to the United States.

Mr. ADAMS in reply regrets that Mr. Osborn's dispatch is not explicit enough to give a decided answer to this question, but inasmuch as it speaks of full powers being given to the respective ambassadors, and as, if the duties and powers of the Americans were limited to those of simple spectators or even advisers, the conference would likely be without result, and as he felt sure that the government of the United States had not offered its good offices for mediation simply as a matter of compliment, but actually desired a termination of the war, it seemed to him, and he felt authorized to say, that the idea is or should be, that in case the respective ambassadors of the three powers cannot agree amongst themselves, they should have instructions and full powers from their governments to leave the settlement of all questions and the conditions of peace for arbitration, so to speak, to the Government of the United States, to be decided either at home or by commissioners appointed at Washington, deliberating in the presence of the said ambassadors on board an American man-of-war, but that in any case the decision should be final and end the war. Furthermore, Mr. Adams

thought proper to say, in order to express fully the sentiments of his government, that so far from being desirous of exerting a decisive influence in the settlement of these troubles, it would be content if the three ambassadors on board the American man-of-war could agree upon some other power, neutral in all respects, whose services as arbitrator, either alone or in conjunction with the United States, might promise a speedy, just, and complete settlement and peace.

Mr. CARRILLO, after expressing his thanks, referring in eloquent terms to the Great Republic, its influence, its leadership in American affairs, its laws and institutions, its government and the character of its people, declares that he fully understands now the object of the mediation, but that it would appear just to Mr. Adams if his government withheld its official acceptance until it had heard from its ally, the Government of Peru; the more so as in the near future he ought to certainly hear from the Bolivian minister at Lima in regard to this matter, as he understood that the Government of Peru had also been informed and invited to this conference.

Mr. ADAMS, while protesting that his government under no circumstances would lend its aid or good offices to any arrangement to which not all the belligerents were parties, still in order to gain time and to put an end as soon as possible to the heavy war expenses under which the three countries were groaning, would suggest that Bolivia appoint its ambassador at once, who might proceed to Mollendo, and so being in direct communication with Lima, at the same time would be on the spot and negotiations might commence, if, as he had no doubt, Peru agreed to the proceedings.

Mr. CARRILLO, while acknowledging the propriety of such a step, thought it proper to inform Mr. Adams that if Bolivia should do so, the Government of Peru might consider it an act of presumption, and as already several actions of Chili as towards Bolivia had aroused a certain jealousy and feeling of mistrust in Peru, he believed it to be better to do nothing until that government could be heard from; he would, however, not fail to immediately lay the matter before the President and the cabinet, and would as soon as possible inform the minister of the United States of its views.

Mr. ADAMS thereupon, and to conclude the interview, offered to undertake to forward through the Chilian authorities at Arica and before Callao any communications relating to this subject which the Government of Bolivia might wish to transmit to or receive from its minister at Lima, so that in that manner at least some time might be saved; which offer was accepted with thanks.

[Inclosure 5 in No. 26.]

Mr. Adams to Mr. Osborn.

LEGATION OF THE UNITED STATES,
La Paz, September 2, 1880.

SIR: In answer to your communication of the 10th ultimo, I have the honor to state that the Government of Bolivia will accept the mediation and if necessary the arbitration of the United States, provided its ally, Peru, decides to do so, but as so far it has not heard from Lima in regard to the matter, it feels bound for the present to withhold its formal acceptation.

The form as suggested by you in your dispatch and as accepted by Chili does not seem to provide for the eventuality which is likely to occur, in case the ambassadors of the belligerents, even with the advice and assistance of American commissioners, should fail to come to an understanding, so I took the responsibility to explain to the government here, that the idea is, in case the ambassadors cannot agree, they should at least have full powers to leave all questions in dispute and conditions of peace to the Government of the United States for arbitration, so to speak, either to be decided at home or by commissioners here; but the decision in either case to be final.

I may be wrong in the premises, and the form as suggested by you may not intend arbitration on our part, but I chose to interpret your dispatch as above, considering it more in accordance with the dignity of the United States, if it interferes at all and takes part in the negotiations, to have the power to make the same binding and settle the matter for good.

In order to facilitate matters, I have offered to arrange the transmittal of dispatches between this government and Lima on this business through the Chilian authorities at Arica and before Callao. If, however, you should receive information that Peru accepts, I would ask you to send me word at once, and immediately thereafter the Alaska, or whatever vessel is designated, might go to Mollendo to receive the Bolivian ambassador, whom I should probably accompany to that point.

Taking it for granted that in case these negotiations come to a head you will accompany the Chilian ambassador, I promise myself the pleasure of meeting you personally under pleasant circumstances. Meanwhile I am, &c.,

CHARLES ADAMS.

No. 29.

Mr. Adams to Mr. Evarts.

No. 27.] LEGATION OF THE UNITED STATES,
La Paz, September 2, 1880. (Received October 22.)

SIR: Since my last report of the political situation of Bolivia, dated August 5, absolutely nothing has occurred to change the aspect of affairs. The Congress is still in session, but has done nothing to help the country in its present weakness except to legalize what is called a forced loan of $500,000, which will be exacted mostly from the foreign merchants. Some attempts have been made to organize a national guard for home protection should the Chilians take it into their heads to visit La Paz, and every Sunday we have the spectacle of seeing a great number of men of all classes assemble in the plaza and march around the same two or three times with martial music, but as the country has not a single rifle to arm those men, and as there is no possibility whatever of the government being able to make or purchase any, the whole proceeding is calculated to expose the very weakness of Bolivia, although still some of the papers shout for war, getting bolder in their utterances, because Chili seems to rest on its laurels at Tacna and Arica. That any soldiers have been or are being raised to oppose the Chilian army in its next onward march, I have not heard of; and, unless Peru sends the arms, the latter will have to fight the next battles alone.

The cherished plan of Dictator Pierola to organize and become supreme ruler of the United States of Peru, Bolivia seems to have been entirely lost sight of, as the Congress here seems to be afraid to touch the subject, it having voted to postpone the consideration of the same until a great many other matters are disposed of, and the late action of the chargé d'affaires of Peru in forbidding or protesting against granting a concession to Mr. Brabo and company, organized to open communications towards the Atlantic, basing his protest on one of the articles of the proposed confederation, has opened the eyes of a good many people as to the evident intention of Peru not to allow Bolivia to extend its commerce or make use of the immense natural advantages it possesses, except by paying tribute to Peru at its ports on the Pacific, and the bitter feeling expressed seems to show that even should this confederation as a war measure be accomplished it will be but of short duration on account of the evident desire of Peru to make the natural resources of Bolivia contribute to its own wealth.

If in addition to this the ambition of the ruler of Peru should frustrate the attempts now made for the establishment of peace, which the people here and also the government, I believe, are very anxious indeed to have brought about, then indeed the grand idea of confederation will but remain a still-born infant, and instead a decided rupture may be the result.

Peace indeed is the great necessity for this country, although directly it has suffered comparatively little; and I can only express the hope that the mediation of our government may bring it about, no matter how the jealousies of other powers may be provoked thereby.

I have, &c.,

CHARLES ADAMS.

No. 30.

Mr. Adams to Mr. Evarts.

No. 28.] LEGATION OF THE UNITED STATES,
La Paz, September 4, 1880. (Received October 22.)

SIR: On the 2d instant I had an opportunity to forward my mail by a special messenger to the coast, and in my dispatch of that date (No. 26) I had the honor to transmit to you copies of correspondence and a memorandum of a conference held with Mr. Carrillo the day before, relating to the mediation between the belligerents proposed by yourself through Mr. Osborn, by which it appeared that the government of Bolivia was not likely to refuse the same, provided that Peru agreed thereto; but I was not able to forward the formal answer to the proposition, which I received only last night, it having been delayed because of a serious indisposition of President Campero, the cabinet meeting had been postponed.

I now have the honor to transmit a copy of the official answer in Spanish, and also a literal translation made by myself, from which you will perceive that Bolivia unreservedly accepts the mediation, and is not only willing, but anxious, in case the ambassadors do not agree, to leave the whole matter to our government for arbitration, only stipulating that its sovereignty and independence be acknowledged as the basis of proceedings.

I considered it proper in my note of acknowledgment—a copy of which is also inclosed—to add a few words, which I hope will meet your approval.

I have, &c.,

CHARLES ADAMS.

[Inclosure 1 in No. 28.—Translation.]

Mr. Carrillo to Mr. Adams.

No. 9. Confidential.] MINISTRY OF FOREIGN AFFAIRS,
La Paz, September 3, 1880.

Mr. MINISTER: In accordance with what I had the honor to declare to your excellency in the interview of the first instant, and repeating the acknowledgment which is due to the most excellent Government of the United States for the initiative it has taken by proposing its aid towards an honorable settlement of the present war of the Pacific, it gives me satisfaction to advise your excellency that, in conformity with the treaty of alliance which binds this republic to that of Peru, I have this day addressed to the cabinet at Lima a note, in which I make known that, on my part, I consider the proposed mediation by the most excellent Government of the United States in accordance with the great interests of America and modern civilization, and that I hope, in order to accept the same definitely, to be advised officially of the consent which the allied government may have given to a like invitation extended to it, inasmuch as this concurrence is indispensable to the good faith with which Bolivia guards its engagements.

As soon as I shall be advised officially of its acceptance by the Government of Peru, Bolivia will, without delay, send its plenipotentiary to join those of the allied nation and Chili, and to take part in the conferences and deliberations which are to be held on board a North American vessel, in order to terminate the present complications of the war.

The Government of the United States having resolved to point the way so significantly by its proposition to bring about a settlement equally honorable and acceptable to the belligerent republics, the Government of Bolivia understands that arbitration is to be the essential basis of the offered mediation, for the reason that it is not probable that the plenipotentiaries named will be able to settle the grave differences which exist between the states which they directly represent.

With that idea, and feeling that it is the decided object of the Government of the

United States to aid seriously and in an honorable manner in the re-establishment of peace, as your excellency was kind enough to declare in the interview referred to, my government reposes the utmost confidence in the mediation as well because thereby it consigns the justice of its actions to the decision of a powerful nation, as because it introduces arbitration as an essential condition which, while maintaining towards the contending parties an equally dignified attitude, guards their sentiments of national honor and offers the only certain solution—one which is in accordance with the principles of justice.

My government, interpreting faithfully the national sentiment, can assure your excellency that, as much as Bolivia is resolved at any sacrifice to sustain in the present war its rights of sovereignty and independence against the impositions of force, which are contrary to South American politics, it is also ready to accept, without reserve, any means which, while preserving its honor, may tend to re-establish peace; and, believing that this will be the result of the proposed mediation, my government will also accept with pleasure that the most excellent Government of the United States may be the judge-arbitrator to decide all questions relating to the present struggle of the Pacific which it should be impossible for the plenipotentiaries of the belligerent powers to regulate and settle.

While declaring in this open and frank manner the resolution of my government in cordial response to the mediation offered by the most excellent Government of the United States, I have, &c.,

JUAN C. CARRILLO.

[Inclosure 3 in No. 28.]

Mr. Adams to Mr. Carrillo.

LEGATION OF THE UNITED STATES,
La Paz, September 4, 1880.

SIR: I have the honor to acknowledge the receipt of the note, dated yesterday, which your excellency had the kindness to transmit to me, and in which you declare in such eloquent language that the Government of Bolivia is prepared to accept the mediation and, if necessary, the arbitration of the Government of the United States, as proposed, if the allied Government of Peru should also agree thereto.

I shall not fail to acquaint my government with the sentiments so creditable and honorable to yourself and your government, and can only express the hope that that of Peru, animated by the same enlightened views, may also consent to this manner of ending a cruel, unnatural, and fratricidal war.

If, unfortunately, after all, this attempt should prove ineffectual, I can at least bear witness that Bolivia was ready to stop the further effusion of blood, and the blame must rest where it belongs.

I am, &c.,

CHARLES ADAMS.

No. 31.

Mr. Adams to Mr. Evarts.

No. 29.] LEGATION OF THE UNITED STATES,
La Paz, September 14, 1880. (Received November 4.)

SIR: Having received from Mr. Christiancy a dispatch, dated the 7th, from Arica, in regard to the proposed mediation in the interest of peace, I, without delay, called upon Mr. Carrillo, the minister of foreign affairs, at his office, and have now the pleasure to transmit a memorandum of our interview, which, as far as Bolivia is concerned, certainly demonstrates that the efforts of our government are fully appreciated.

I also have the honor to inclose a copy of Mr. Christiancy's dispatch, and my reply.

I am, &c.,

CHARLES ADAMS.

[Inclosure 1 in No. 29.]

Mr. Christiancy to Mr. Adams.

ON BOARD U. S. STEAMER WACHUSETT,
On the way from Valparaiso to Arica, September 3, 1880.

SIR: As I had not heard from Mr. Osborn, our minister at Santiago, for some time, and felt quite confident that the Peruvian Government was ready to enter upon negotiations for peace, with the friendly mediation of the United States, I left Lima on the 15th of August, and reached Santiago August 27th, where I immediately learned from Mr. Osborn that the ministers of England, France, and Italy, at Santiago, acting in concert with the ministers of the same governments at Lima, had urged the Chilian Government to offer peace to Peru, on condition of ceding to Chili absolutely the province of Tarapacá, and that the Chilian Government was waiting an answer from the ministers of France, England, and Italy in Lima to their colleagues in Santiago, indicating whether Peru would accept such condition of peace.

Should Peru thus accept there would be no special object for mediation by the United States; but the Chilian Government accepted unconditionally the friendly mediation of the United States, and if the representatives of England, France, and Italy do not succeed in getting Peru to accept peace on the terms they have proposed, and that they (said representatives) can guarantee such acceptance, then I am satisfied it is the wish of the Chilian Government, as I know it to be of our own, that the United States should offer their friendly mediation, provided both Peru and Bolivia accept the same, and I feel confident that Peru will gladly accept such mediation as soon as I can see the Dictator Piérola. In fact I should have consulted him before leaving Lima, had I known the position of the Chilian Government.

Mr. Osborn informs me that he wrote you some two weeks ago of the disposition of the Chilian Government, and their willingness to accept our mediation, and that in the event of Bolivia and Peru accepting such mediation, you and Mr. Osborn and myself should come to Arica upon a naval vessel of the United States and meet there the ambassadors of the three belligerent powers, and that we should there aid, in a friendly manner, to secure peace. As Mr. Osborn's letter was forwarded to you by courier from Arica, he thinks your answer must be in Arica before now, and perhaps may have been sent on to him by mail steamer; but I am to inquire when I get to Arica, and if your letter to him is there I am to open and read it, and see that it is forwarded to him.

It is very important that Mr. Osborn and myself should know as soon as possible whether Bolivia accepts the mediation of the United States. She may not be willing to accept without knowing that Peru will do the same. In such case, in order to save time, let the Government of Bolivia accept on condition that Peru shall do so.

I take it for granted and have full confidence that both Bolivia and Peru will accept the mediation, and just as soon as this can be ascertained I am to fix the day of meeting at Arica, which Mr. Osborn and myself think can be brought about by the 5th of October, and we therefore think it best that you should come down to Arica by that time, and that an ambassador from Bolivia should come with you. Please write Mr. Osborn and myself fully, under cover to the general commanding at Arica, who will forward to me and to Mr. Osborn unopened. And as there is a line of telegraph from Arica to Santiago, please write a dispatch to Mr. Osborn inclosed in a letter addressed to the general commanding at Arica, asking him to forward the dispatch. The dispatch should say only (if Bolivia accepts mediation), "Bolivia accepts." If she does not accept, please say in the dispatch only "Bolivia refuses."

You will readily understand that, if all the belligerents accept the mediation of the United States, the opening of the negotiations will not depend upon any condition such as that proposed by the ministers of England, France, and Italy; but that the field is open to any terms which, under our friendly mediation, all the parties may be willing to accept.

I will further say that should you and any ambassador come down to Arica, the general commanding there is instructed to treat you and such ambassador with all kindness and attention. He is also ordered in the mean time to aid in any way he can to facilitate communication between yourself and Mr. Osborn and me. I shall call to see him at Arica and deliver him a letter from his government, and I may possibly drop you a short letter from there in addition to the present.

I send you inclosed a copy of the mode agreed upon between Mr. Osborn and myself for telegraphing, &c., which you can also adopt.

I have strong hopes that in some one of the ways now under consideration peace will be restored.

I am, very truly, your friend,

I. P. CHRISTIANCY.

[Inclosure 2 in No. 29.]

Memorandum of a conference held at La Paz September 13, 1880, *between Mr. Carrillo, the minister of foreign affairs of Bolivia, and Mr. Adams, the minister resident of the United States.*

Mr. ADAMS opens the interview by stating that on the same morning he has received from Mr. Christiancy, the minister of the United States at Lima, a dispatch dated Arica, September 7, in relation to the proposed mediation of the United States, and inquires whether anything relating to the same subject has been received from Lima by the Bolivian Government.

Mr. CARRILLO states that he has been anxious for this interview, inasmuch as he has dispatches from Mr. Terrazas, the Bolivian minister at Lima, up to August 27, in which no mention is made of the proposed mediation of the United States, although he had been led to suppose that by that date certainly the Government of Peru should have been consulted thereon, as it was the same date on which he had been first addressed upon the subject. He continues to state that, however, the three powers, England, France, and Italy, on August 17, had made offers of mediation to Peru, and that the same had been considered favorably upon the condition that Bolivia accept the same; that, however, his government had decided to answer in the negative, because, first, it had already accepted a like mediation offered by the United States, and, secondly, because it preferred mediation by the United States—that power being not only American and Republican, but also connected with the South American States by other ties and relations than those simply of commerce.

Mr. ADAMS explains that Mr. Christiancy had left Lima for Santiago on August 15, and that not until he reached there had he heard of the proposed mediation of the three powers at the same time with that made by Minister Osborn on behalf of the United States; that, however, from the tone of his dispatch, Mr. Adams concludes that he, probably, before his departure to Chili, has had an interview with Mr. Piérola, of a personal nature, in regard to this matter, from which it may be assumed that there will be no objection on the part of Peru to accede to the proposed conference; so much so that Mr. Christiancy and Mr. Osborn have already fixed upon the 5th day of October as the date of the conference of Arica, and have requested that the Bolivian ambassador and himself (Mr. Adams) meet them there on that date. As to the proposed mediation of the three European powers, Mr. Adams understands that it has been accepted by Chili, based upon the condition that Peru cede the province of Tarapacá; while that of the United States has been accepted unconditionally, which, leaving open all questions, seemed to him therefore of a nature more acceptable to the allies; and if, as he understood now, Mr. Piérola had not objected definitely to the former, he could not but believe that he would accept the latter; and so, inasmuch as by the refusal of Bolivia the former must end, it seemed to him that now the acceptance of Peru might be considered certain, and that therefore nothing remained in the way to make preparations for the proposed conference on the 5th proximo, which he (Mr. Adams), at the invitation of his colleagues, should be happy to attend.

Mr. CARRILLO states that he has no information of the condition attached to the proposal of the powers; in fact, no mention of any had been made by its representatives when offering their good offices; but, however that may be, this had been disposed of, and he could only repeat that his government would willingly leave the whole matter to the United States, and in that sense, with the further information now given, and regretting the absence from Lima of Mr. Christiancy, by which the expected answer from the Government of Peru had been delayed, he would make the necessary preparations for the proposed conference, but hoped still to receive a final dispatch from Lima before the actual departure of the Bolivian ambassador.

Mention being made by Mr. Carrillo of the reported bombardment of Callao by the Chilians, which Mr. Adams thought improbable in view of the proposed negotiations, and the probability being discussed of hearing from Lima, the interview thereupon terminated.

[Inclosure 3 in No. 29.]

Mr. Adams to Mr. Christiancy.

LEGATION OF THE UNITED STATES,
La Paz, September 14, 1880.

My DEAR SIR: I received your dispatch, dated on board the Wachusett the 3d, with inclosures from Arica under date of the 7th instant, yesterday, and lost no time to have a conference in regard to it with the minister of foreign affairs. Of course before you receive this you will have my former letter advising you that Bolivia accepts

and only waits the acceptance of Peru before it sends its plenipotentiary to the conference.

The situation is not materially changed, although your absence from Lima has delayed the consummation of the proposed mediation by the United States, while that made by the three powers had been transmitted here from Lima for approval, but was promptly rejected because that of the United States is preferred and had already been accepted.

So, concluding from the tone of your dispatch that you are certain of Mr. Piérola's acceptance, I have in that sense prevailed upon the government here to make its preparations for the conference on the 5th proximo, as suggested, although we still hope to have the official note of acceptance from Lima before we start upon the journey, which at best must be one of hardship and privation.

I would much prefer and shall probably after all come via Peru and Mollendo, and as the distance from Arica to that place is not considerable by sea, if on your arrival at Arica you find that I have concluded to go by Mollendo, it cannot make much difference for the vessel to call there.

I shall, therefore, if I do not go overland, send a letter in care of the commanding officer at Arica, which will inform you of my movements, which I cannot do at present, as the Bolivian ambassador has not yet been named, and as I intend to defer in a measure to him, whoever he may be.

I shall send a dispatch (telegram) to Mr. Osborn by this messenger, as suggested by you.

Hoping that the Peruvian government will agree and that no fiasco may reward our pains, by which besides the renown of our government might be compromised,

I am, &c.,

CHARLES ADAMS.

No. 32.

Mr. Adams to Mr. Evarts.

No. 32.] LEGATION OF THE UNITED STATES,
La Paz, October 4, 1880. (Received December 6.)

SIR: Instead of being able to advise you that actual negotiations in the interest of peace have commenced, I am sorry to be obliged to report that a further correspondence has taken place, from which it will be perceived that the proposed conference must be deferred.

Mr. Carrillo's lengthy note reached me on the evening of the 1st, when it had been arranged that in order to be present at Arica on the 5th we must be *en route* early in the morning of the 2d; and at the same time I was informed by the secretary of the ambassador that, so far as the latter was concerned, he had received instructions to delay his departure, although it was expected by the government that I would go to confer with my colleagues.

As Mr. Carrillo's note does not exactly withdraw its former acceptance, but nevertheless intimates that under the circumstances Bolivia is not bound to adhere to it, and as I did not care to place myself in the same position as my predecessor did, earning by his anxiety so little glory and so much ridicule for his pains, I immediately decided not to go, and after due deliberation wrote my answer, some of the sentiments of which may not be pleasing, but are based upon truth and my best judgment.

I consider this letter of Señor Carrillo not at all as an expression of a desire to withdraw Bolivia's acceptance of the mediation, for everybody is anxious enough to have peace established, but as a means of gratifying the national pride and public clamor, and I am borne out in this opinion, as this letter is published in last night's newspaper, and is well adapted, by its grand phrases and little meaning, to quiet the public excitement, which a few days ago, only for the prompt interference of President Campero in ordering many arrests, had nearly resulted in a

revolution in favor of the peace party, and it also serves as an answer to the recent debate in Congress, where an interpellation in regard to this mediation was vigorously discussed. I, however, considered a little truth advisable at this point, and hope that my note—by which I meant to convey the idea that while our government is ready to act as mediator in the interest of peace, after the plenipotentiaries of the three powers have met, it does not intend to become a carrier of messages and investigator of grievances between the governments before such meeting—will meet your approval.

The cause of all this seems to be the destruction of a sugar plantation in Northern Peru owned by a very rich firm in Lima, the members of which have been very active supporters of Dictator Piérola, and furnished large sums for the prosecution of the war, which, however, was not ordered until after a war contribution of $100,000—the property destroyed is said to be worth four millions—had, by order of Dictator Piérola, been refused.

Of course Mr. Christiancy will know the particulars better and report accordingly, when you can judge whether this was a breach of the laws of war, and whether Chili is responsible for having violated its pledged word towards the United States, by first accepting its mediation and then fitting out expeditions of this kind, as Bolivia, and no doubt also Peru, seems to assume.

I expect to hear shortly from Mr. Christiancy, and should not Peru decidedly decline further negotiations, I have no doubt that Señor Carrillo will be glad to carry out his arrangements in accordance with his former views and agreement.

I have, &c.,

CHARLES ADAMS.

[Inclosure 2 in No. 32—Translation.]

Mr. Carrillo to Mr. Adams.

No. 11.] MINISTRY OF FOREIGN AFFAIRS,
La Paz, October 1, 1880.

SIR: The last deeds of devastation committed in Northern Peru by Chilian forces against private property, disgraceful and of the most odious character as they are, have attracted the consideration of my government, not only because they are an outrage to civilization and the law of nations, which limits the damages of war to such as are strictly necessary to secure the results of military operations, but also because these acts tend to compromise the official word of one of the belligerent powers pledged to a friendly nation, which, for the sake of peace and American interests, had taken upon itself the noble effort to make its offered mediation effective.

My government, in mentioning these deeds, pronounces them contrary to the usages of war; especially those lately committed on the property of Señor Don Dionisio Derteano, when the hostile army, instead of turning its arms against the allied forces and those in the neighborhood of Lima, employed them to destroy the rich establishments and warehouses of a defenseless citizen. My government is convinced that the opinion of the other American States will also condemn these acts as contrary to the universal law of nations, as well as the traditional law of America, which has not permitted wars of devastation.

My government, knowing that the hostile operations of Chili from the beginning had not been moderate either in the respect due to the law of nations nor in the object which served as cause of the war, resolved, in accord with its ally, to maintain at any sacrifice the common national independence and South American interests, alike exposed with those of Bolivia and Peru, against the unjust domination of force.

While such preparations for a great struggle were being made, the end of which could not but be favorable to the just cause and the combined strength of the allied powers, your excellency was kind enough to bring to the knowledge of my government, in your respected note of the 27th August last, that the President of the

Republic of Chili had accepted the mediation offered by the most excellent Government of the United States in the capital of Santiago. With such antecedent, and the noble desire to contribute to the restoration of peace so long interrupted, your excellency offered like mediation to this republic on bases which, being honorable to the belligerent States, could not be rejected by my government. In that sense, and after the conference of the 1st September, it was frankly accepted by the note from this ministry of the 3d, same month, with declarations which, while they defend the dignity of the republic and the engagements with the allied nation, demonstrate the high respect which my government places in the means of conciliation which acknowledge international law, as well as the faith which the official word of the Government of Chili should inspire when, listening to the counsel of reason, it had accepted the mediation proposed by a friendly nation.

A short time since the same mediation was confirmed in Santiago by his excellency Mr. I. P. Christiancy, plenipotentiary of the United States near the Government of Lima, and offered to the allied Government of Peru, was accepted with the deference due the most excellent government of your excellency.

After the friendly intervention of the most excellent Government of the United States had been so formally accepted, during the middle of August, and while in accordance with its acceptance by the allied powers the preliminary preparations for the first conference were being made, on the 10th of September and with extreme violence those deeds of devastation occurred which have been mentioned at the beginning of this note.

While such conciliatory measures were going on with the aid of a friendly nation it is difficult enough to harmonize the authorized expression of such peaceful proceedings with the outrageous hostilities committed on defenseless citizens and with the burning and destroying of private property far from the center of military operations.

My government believes it to be its duty to call the attention of your excellency to these deeds and the grave contradiction which they imply. It is still possible that they are unauthorized and reprehended by the Government of Chili; but in any case they will, on account of the atrocity and the time when they took place, merit your excellency's impartial and just consideration, inasmuch as you, while faithfully representing the intentions of your government, take such marked interest towards an honorable and dignified settlement of the present struggle on the Pacific.

Having mentioned the grave incidents as they occurred, the consideration of which and the bearing they may have upon the proposed mediation my goverement leaves to the discernment of your excellency, I have, &c.,

JUAN C. CARRILLO.

[Inclosure 3 in No. 32.]

Mr. Adams to Mr. Carrillo.

LEGATION OF THE UNITED STATES,
La Paz, October 2, 1880.

SIR: I have the honor to acknowedge the receipt of your note of yesterday, in which you take occasion to protest against the late operations of a Chilian force in the northern part of Peru, not only because they are an outrage to civilization and a violation of the law of nations, but also because these actions, if authorized by the Government of Chili, appear to be in direct violation of its national honor and its pledged word when it had accepted the mediation offered by the Government of the United States as a basis of peace.

Not knowing at this time the causes which led to the unnecessary and cruel destruction of private property, I cannot but reserve my opinion, but shall not fail to bring to the knowledge of my government the contents of your note, and I beg to assure your excellency that the Government of the United States, should it become convinced that its offered mediation had been accepted by Chili for ulterior motives, or not in good faith as the offer itself deserved, will not fail to maintain that dignity which it has always upheld with honor amongst the nations of the earth.

What I most deplore is that by these events the proposed conference on the 5th instant seems to be delayed or suspended, if not entirely abandoned.

I have always been of the opinion that if representatives of the three nations could be brought together and in the presence of a friendly power could discuss their grievances, justice and reason would take the place of pride and force, and all difficulties might be arranged and peace established.

I think so still; I believe the first meeting to be the most difficult to be arranged, but also the most important step towards peace, and I cannot conceive why the late actions of a small detached hostile force, as disgraceful as the conduct may be, should prove a serious obstacle in the way of the proposed negotiations, and so be actually

the means of leading to further vandalism of that kind. A destruction of property—I have not heard of loss of life or other outrages—can be made good by a money consideration, and as in the proposed negotiations the subject of reclamations will undoubtedly have to be considered in one way or another, this wanton destruction of property would only form one of the many grievances which the allies can justly bring against the Government of Chili.

Taking that view of the case, I had made my arrangements to leave for the coast via Arequipa this morning, but being informed last night that the plenipotentiary of Bolivia would not be prepared to go, it became necessary for me to change my plans; for of course any conference in which the Government of Bolivia is unrepresented cannot but be unproductive of results.

Deploring, as I do, this delay, I have still hopes that the proposed conference may take place, and I shall not fail to advise your excellency should I receive any further information from my colleagues at Lima and Santiago.

I have, &c.,

CHARLES ADAMS.

No. 33.

Mr. Adams to Mr. Evarts.

No. 34.] LEGATION OF THE UNITED STATES.
La Paz, October 7, 1880. (Received November 16.)

SIR: Referring to my dispatch No. 32, of the 4th instant, and especially to inclosure 3 thereof—my note to Señor Carrillo of the 2d instant—I have to advise you that I was honored yesterday by a visit on the part of Señor Carrillo, who called my attention to the word "protest" in the first part of my note, and begged to explain that his note of the 1st, to which mine of the 2d was a reply, was not intended to be a protest in that sense, inasmuch as the circumstances of the affair on the Peruvian coast might be liable to an explanation, and an official protest should be reserved to the last.

The minister also explained that the reason for not attending the conference at Arica, fixed for the 5th, on the part of Peru, was the excited feeling of the people in Lima, brought about by the acts of the Chilians near Chimbote, but that at the particular desire of Mr. Christiancy the question had been left open so as to arrange the conference for a future date, and that accordingly Bolivia, regretting the delay, had also been obliged to postpone sending its ambassador, but that it not only stood ready to do so at any time, but would use its influence with the cabinet at Lima to bring the matter to the desired issue without further delay; and Mr. Carrillo also regretted not having advised me of this before last Saturday, as by so doing that part of my note, in which I had implied a want of compliance with former arrangements, namely, the departure of Bolivia's ambassador on the 2d, might have been obviated.

After these explanations, and at Señor Carrillo's urgent request, I had no hesitation to modify my note by changing the word "protest" in the first part, and leaving out entirely in the latter part the paragraph relating to my expressed disappointment and expected departure on the 2d, all of which confirms my surmises that Señor Carrillo's note was intended more for the public eye at home than as an explanation for myself and my government.

The publication of this note has had, however, that effect, that the newspapers here in leading editorials have spoken favorably of the efforts of our government, commended the steps so far taken, and, while elaborating on the subject of "Monroe doctrine," are earnestly advocating

the policy of leaving forever afterwards all questions and grievances to the arbitration of its strong northern neighbor.

Should, with our help, peace be established, the bearing this will have on our future relations and our commerce can hardly be estimated. The resources and wealth of the country are immense, and it needs only a guiding hand in its politics, some American enterprise, capital, and immigration, to make it one of the richest and most prosperous countries in the world.

I have, &c.,

CHARLES ADAMS.

No. 34.

Mr. Adams to Mr. Evarts.

No. 35.] LEGATION OF THE UNITED STATES,
La Paz, October 8, 1880. (Received December 17.)

SIR: I have the honor to advise you that, having received late last night the inclosed telegram, and after a consultation with the Government of Bolivia, I shall leave my post, accompanied by plenipotentiaries from this republic, temporarily to-morrow morning, in order to attend the conferences between the belligerents in the interest of peace.

I have, &c.,

CHARLES ADAMS.

[Inclosure to No. 35.]

[Telegram—translation.]

(From Mollendo, 11.07 p. m.)

MR. CHARLES ADAMS,
Minister of the United States, La Paz:

We start to-day to Arica; come to Mollendo and go aboard the Peruvian steamer Chalaco, where you will meet the Peruvian ambassadors.

I. P. CHRISTIANCY.

OCTOBER 5, 1880.

No. 35.

Mr. Adams to Mr. Evarts.

No. 36.] LEGATION OF THE UNITED STATES TO BOLIVIA,
U. S. S. LACKAWANNA, BAY OF ARICA,
October 23, 1880. (Received December 6.)

SIR: I have the honor to report that yesterday, on the 22d, the first conference of the plenipotentiaries of the belligerent nations Chili, Peru, and Bolivia, took place on board this vessel, and that, jointly with Messrs. Osborn and Christiancy, I took part in the proceedings.

Inasmuch as we have concluded to act jointly and from that date submit a joint report of our actions, I propose to limit this dispatch to my personal movements and actions up to the same date from the day of leaving La Paz.

On the 7th instant, late in the evening, I received a dispatch from Mr. Christiancy, dated at Mollendo, the 5th, notifying me that the Peru-

vian ambassadors were then at that point, and asking me to come without delay.

Conferring with Mr. Carrillo, minister of foreign affairs, the next day, I was informed that his government had also received dispatches in the same tenor, and that it was prepared to send its plenipotentiaries at once, and we fixed upon the next morning as the time for our departure. Accordingly, on the 9th instant, I left La Paz with Messrs. Marino Baptista, president of the Bolivian Congress, and Señor Juan C. Carrillo, minister of foreign affairs, being the plenipotentiaries on the part of Bolivia, and Señor F. Avelino Aramayo, being their secretary.

A special steamboat across Lake Titicaca and extra train from Puno to Mollendo was placed at our disposal by the Peruvian authorities, and we reached Mollendo on the 12th, in the evening.

At our arrival at this port, I found that the United States steamer Lackawanna had arrived there from Arica on the same day, and I immediately went aboard to confer with Mr. Christiancy.

Then for the first time I was informed of the existing difficulty as to the place where the conferences were to be held. Mr. Osborn having fixed Arica, Chili had refused to go to any other place, and Peru as decidedly had refused to allow its representatives to go to that point, considering it humiliating to meet the Chilians in a Peruvian port occupied by the enemy, besides other reasons.

I learned that Mr. Christiancy had just returned from Arica bringing the positive information that Chili would not agree to a change, and that unless the Peruvians were prepared to go there he would leave the next day and all our efforts might be considered in vain and the negotiations broken off. The next day we went together on board the Peruvian vessel, and after a long conference it was manifested to us that the instructions from their government forbade the Peruvian ambassadors to comply with the demand of the Chilians to go to Arica, and Mr. Christiancy left the vessel, insisting upon his determination to leave that afternoon.

At that crisis, when all negotiations seemed to be at an end before they had really commenced, I suggested to the Peruvians that I thought some consideration was due to the Bolivians, who had come in good faith, and who, before being obliged to return *infecta re*, should at least be notified of the dispute, and their opinion be heard.

After this point was conceded, and the Bolivians had arrived on board, I did not hesitate to explain to the representatives of both countries that in my opinion, Mr. Osborn having fixed the place at Arica, in good faith, simply on account of its convenience and central location, and neither Peru nor Bolivia having objected to it at that time, and the official notes fixing it there having been widely published in Chili, and the opposition to the place having been made only at the last moment by the minister of foreign affairs at Lima, while its chief executive had, as appeared from an official interview with Mr. Christiancy, a short time before, not definitely objected, and Bolivia having no cause to object, as Arica was the only place spoken of between myself and its government, it seemed to me that should now the change of place be insisted upon by the Government of Peru, history would make that government responsible for the failure, and would consider the reasons therefor as emanating from extreme sentimentality, not justified at this hour.

Finally, it was agreed that one of the Bolivian plenipotentiaries, Señor Baptista, should accompany me to Arica, and that while he should try to obtain a change of place from the Chilians, the government at Lima should be advised of the state of affairs and the Bolivian position, in

order that in the extreme case of Mr. Baptista failing in his mission, a favorable reply might for these reasons still be expected.

Accordingly, early on the 14th the Lackawanna sailed, having aboard Messrs. Baptista and Aramayo. On the 15th Señor Baptista placed himself, after our arrival at Arica, in communication with the Chilian Government, but all his efforts in that regard being unsuccessful, he on the 17th sent a dispatch to Messrs. Arenas and García y García, at Mollendo, taking the responsibility to advise and request them on the part of Bolivia to comply, and without further delay come to Arica, in consequence of which, and an answer having meanwhile been received from President Piérola, allowing his plenipotentiaries to do so, if Bolivia should so desire, the Chalaco arrived at this port on the 20th, in the evening, and on the same evening I was officially notified by the Bolivians of their readiness to proceed to business.

Meanwhile, Mr. Osborn and the plenipotentiaries of Chili had also arrived, and both he and Mr. Christiancy were also notified, and in accordance with these notices we jointly fixed the time for the first meeting for the 22d at 12 m., on board the Lackawanna, at which time and place it actually took place.

Whatever the final result of these conferences may be, I feel justified in saying that by reason of the forbearance, moderation, and dignified position exhibited by the Bolivian plenipotentiaries as between the other two parties, both so stubborn in their resolution not to yield, the present state of affairs—that the conferences are held at all—has been attained, and if I did take an active part in advising the course as actually taken, I have done so from an ardent desire not to see the object of our mediation fail before it had fairly commenced, and I hope that such my action may meet your approval.

I have, &c.,

CHARLES ADAMS.

No. 36.

Mr. Adams to Mr. Evarts.

No. 36 A.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, November 6, 1880. (Received December 17.)

SIR: I have the honor to transmit herewith copies of correspondence had between the Bolivian plenipotentiaries, Mr. Christiancy, and myself, which belong to and are explanatory of my dispatch No. 36, dated from United States steamship Lackawanna, Bay of Arica, October 23, 1880. I have, therefore, marked this No. 36 A, and would request that it be added to and made a part of the above-mentioned dispatch on the files of the Department.

The correspondence explains itself and is arranged in its proper order.

I have, &c.,

CHARLES ADAMS.

[Inclosure 1 in No. 36 A.]

Mr. Adams to Mr. Christiancy.

ON BOARD THE CHALACO,
October 13—5 p. m.

DEAR SIR: The Peruvian ambassadors desire you to wait, if it is possible, until they can receive an answer from their government, which is momentarily expected.

Should you decide not to wait, one of the Bolivian ambassadors has accepted my

invitation to go aboard the Lackawanna at once with me and proceed to Arica with us (as Bolivia does not wish to see the negotiations fail), and will try to do what he can to bring the matter to an issue.

The inclosed memorandum is about their opinion, but, as said before, Mr. Baptista, the first ambassador, will go with us; Mr. Carrillo is too sick.

Send me word at once whether you will stay or not. If not, I will send a boat for Mr. Baptista to the shore and come without delay.

Yours, &c.,

ADAMS.

[Inclosure 2 in No. 36 A.—Translation.]

MEMORANDUM.

To Mr. ADAMS (who will kindly communicate this to Mr. Christiancy):

The diplomatic ministers of Bolivia, considering the incident which has just occurred in determining the point of their labor jointly with those of the Republics of Peru and Chili, present these brief considerations:

One of them, Mr. Carrillo, since coming on board is entirely incapacitated from any work by reason of his delicate health, a situation which will be aggravated if his stay on the sea be permanent. In Arica they would be placed in their diplomatic work under unfavorable conditions, as communication with their government would be very difficult. They thought these difficulties removed when they were given to understand on their departure from La Paz that the conference would take place at a point situated between Pacocha and Callao; they would be obviated, if Mollendo or any other place on the coast be neutralized, or if the Lackawanna would approach any other landing more convenient than Mollendo.

They simply present these considerations as likely to conciliate all inconveniences, not sufficient in any case, however, to obstruct the serious steps initiated to bind together the interests of the three nations.

On board the Chalaco, October 13, 1880.

[Inclosure 3 in No. 36 A.]

Mr. Christiancy to Mr. Adams.

ON BOARD THE LACKAWANNA,
Mollendo, October 13, 1880.

DEAR SIR: It is very important for us to be at Arica as soon as Mr. Osborn and the Chilian ministers arrive. We did wish to leave at once, but have concluded to wait until 3 o'clock a. m., by which time I hope the expected dispatch may arrive.

The plenipotentiaries of Peru and Bolivia, after the very full explanations I have given, must be aware that the government of Chili is disinclined to hold the preliminary conferences in any other port than that of Arica, while it is not disinclined to transfer the next meeting elsewhere, if the plenipotentiaries, in full council, so decide.

It being therefore evident that such preliminary conference should take place there, it remains simply for the representatives of Peru and Bolivia to say whether they will proceed to that port or decline to do so.

In the former case it will not be necessary for them to be in Arica before Monday evening next, which will give them ample time to receive the dispatch from Lima, now expected.

I have therefore decided to return to Arica at once, and shall await the arrival of the Chalaco with the envoys of Bolivia and Peru at that port until noon on Tuesday next, 19th instant.

Should they not arrive before that hour, I shall consider it as indicating their refusal to come to Arica and shall sail for Callao, calling at Mollendo at about 10 a. m. of Wednesday, the 20th instant, to convoy the Chalaco to Callao.

The Lackawanna will therefore leave at 3 o'clock a. m. to-morrow for Arica.

Captain Gillis will send a boat for yourself and Mr. Baptista at 8 o'clock, and will be most happy to see you both on board.

I remain, &c.,

I. P. CHRISTIANCY.

CHAS. ADAMS, Esq.,
On board the Steamer Chalaco, Mollendo.

[Inclosure 4 in No. 36 A.]

Mr. Adams to Mr. Aramayo.

ON BOARD CHALACO, *October* 13—7 p. m.

DEAR SIR: Please tell Mr. Baptista that I have received a note from Mr. Christiancy indicating the following points: First, that the Lackawanna will leave this port at three o'clock this night for Arica; second, that Mr. Christiancy and the captain of the ship will be glad to see Mr. Baptista on board, in which case this boat will bring him and yourself at once; and third, that the Chalaco will have time to make its appearance at Arica until next Tuesday, when, it failing to do so, all negotiations will be considered at an end.*

* * * * * * *

Expecting to see you and Mr. Baptista at once,

I am, &c.,

CHAS. ADAMS.

[Inclosure 5 in No. 36 A.—Translation.]

The Ministers Plenipotentiary to Mr. Adams.

LEGATION EXTRAORDINARY OF BOLIVIA,
ON BOARD STEAMER CHALACO,
Arica, October 20, 1880.

SIR: The undersigned, ministers plenipotentiary of Bolivia, have the honor to inform your excellency that, having arrived at this port, they are ready to attend the conferences to which the Governments of Bolivia, Peru, and Chili have been invited through the benevolent mediation of the most excellent Government of the United States of North America.

Your excellency will therefore have the kindness, in accord with their excellencies the ministers of the United States near the Governments of Peru and Chili, to name day and hour when the said conferences should begin.

With sentiments of the most distinguished consideration, the undersigned have the honor to subscribe themselves, &c.

JUAN C. CARRILLO,
MARIANO BAPTISTA.

[Inclosure 6 in No. 36 A.]

Mr. Adams to the Ministers Plenipotentiary.

ON BOARD UNITED STATES STEAMER LACKAWANNA,
Bay of Arica, October 21, 1880.

Señores PLENIPOTENTIARIES:

I have the honor to acknowledge the receipt of your excellencies' note of the 20th instant, informing me that, having arrived in this port, you are ready to attend the conferences to which the Governments of Bolivia, Peru, and Chili have been invited by my government, and requesting me in concert with my colleagues, the ministers of the United States accredited near the Governments of Peru and Chili, to name the day and hour when the said conferences should begin.

In reply I have the honor to inform your excellencies that I have been officially notified by my colleague, the minister of the United States near the Government of Peru, of the arrival here of the plenipotentiaries of that republic, Don Antonio Arenas and Don Aurelio García y García, and by my colleague, the minister of the United States near the Government of Chili, of the arrival of the Chilian plenipotentiaries, Don J. F. Vergara, Don Eusebio Lillo, and Don E. Altamirano, all of whom have signified their readiness to attend the proposed conferences.

In view of these facts my colleagues concur with me in inviting your excellencies and the plenipotentiaries of Peru and Chili to proceed, as soon as may be convenient, with said conferences, in the cabin of the "Lackawanna," and we respectfully suggest that the first meeting be held at twelve o'clock noon, to-morrow, the 22d instant.

Be pleased to accept, &c.,

CHAS. ADAMS.

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* The extract is made by Adams.

No. 37.

Mr. Adams to Mr. Evarts.

No. 39.] LEGATION OF THE UNITED STATES,
La Paz, November 6, 1880. (Received December 17.)

SIR: I have the honor to advise you that I have returned to my post after the failure of the peace conference at Arica. I do not think that either our government or its representatives have any cause to reproach themselves nor feel that the efforts made, although without apparent result, have been entirely misplaced.

A short dispatch of the abrupt termination of the conferences was signed by me jointly with Messrs. Osborn and Christiancy, and this, with a report of the proceedings and official protocols of the three conferences, will be transmitted to the Department by the latter, who is accompanied by our joint secretary, so that it is unnecessary for me to make a separate report; but some observations may not be perhaps out of place, especially as I am cognizant of some matters affecting the negotiations as between Chili and Bolivia, which were not brought forward in the conference, but nevertheless may be of interest to yourself in order to completely understand the situation.

The decided expressions of the plenipotentiaries not to modify their first bases, no doubt influenced by public opinion in their country, which was opposed to peace, and the causes of this feeling said to be mainly based upon an official note to Mr. Christiancy by the Government of Peru, will probably be fully explained and commented upon by Mr. Osborn; as will also Mr. Christiancy, without doubt, give his views upon the popular feeling in Peru, and how much the government of that republic through its plenipotentiaries was able to concede, and also upon the rather proudly, if not offensively, expressed refusal by Chili to accept arbitration as proposed by Peru and accepted by Bolivia.

The matters are as between Chili and Peru, and I wish to add to the history of the proceedings simply that the proposition made by Bolivia to surrender the coveted territory under failure to pay a large war indemnity in a fixed limit of time, which would have guaranteed its peaceful possession to Chili, as neither Peru nor Bolivia would have been able to pay it, seemed to me at least well worthy of respectful consideration; but inasmuch as the proceedings do not show that the government at Santiago had even been consulted thereon, and its plenipotentiaries in the conference had but little to say about it, it seems to me that that government was not very much in earnest in its desires for peace; that the conditions at first submitted were meant to preclude any probability of being accepted and that from the first our efforts might be considered inutile and in vain.

The main endeavors of the Chilians in private conferences with the Bolivians, communicated to me confidentially by the latter, were made to break up the alliance between Peru and Bolivia, and engage the latter republic in an alliance with themselves as the unavoidable result of such action. Great inducements were held out, a share in the conquests already and still to be made; but I am pleased to be able to say that such perfidy and disregard of national honor was not consummated; and if, on being consulted on that subject, I took a decided stand in declaring that such proceeding, no matter how beneficial it might be to Bolivia, would be considered by my government, and no doubt by the world, as one of the most infamous transactions in history, would reflect no credit on either nation, but lasting infamy on all persons connected therewith, and that I would be neither a party thereto nor even be considered offi-

cially cognizant thereof, I hope that I only expressed your own sentiments. The advances so made by one of the Chilian plenipotentiaries were rejected; and if by the unfortunately existing alliance with Peru Bolivia is deprived from making peace, which it so much needs and desires, it can at least hold up its head amongst nations and be able to say that it will bear misfortune rather than dishonor.

I have only to add my views upon one point as appearing in the second protocol,* when Mr. Osborn, in rather strong terms, it seemed to me, stated the Government of the United States would not care to accept the office of arbitrator on account of the labor and trouble involved. In my dispatch No. 26 D, inclosure 5, I had the honor to transmit a memorandum of a conference with Mr. Carrillo, which, considering arbitration a natural consequence of the offered mediation and upon its failure the only practicable road to peace, I had no hesitation in declaring that such arbitration would be accepted by my government if desired by all the belligerents. In that sense the mediation was accepted by Bolivia, and in that sense I wrote to Mr. Osborn (inclosure 6, No. 26), and having been informed by him that he had acquainted the Government of Chili of its import, and never having been by him advised that the construction I had placed upon the terms of mediation was wrong and ill-founded. I at least may be permitted to say that both the rejection of such arbitration by Chili and Mr. Osborn's speech thereon appear to me strange and inexplicable, especially as no instructions had been received by either of us on that subject.

I have, &c.,

CHARLES ADAMS.

No. 38.

Mr. Adams to Mr. Evarts.

No. 43.] LEGATION OF THE UNITED STATES,
La Paz, November 12, 1880. (Received December 27.)

SIR: I have the honor to submit herewith a brief report of the political situation in Bolivia, since my last dispatch upon that subject, No. 27, dated September 3 last.

During the absence of the ministers and myself at Arica, everything was very quiet, especially as it was generally believed that our mediation would certainly bring about peace, if not directly at least by arbitration.

In that sense the National Assembly of Bolivia after a session of five months adjourned *sine die* on October 24, without passing any direct laws looking towards an active prosecution of the war. It gave, however, full powers to the President as to the enrollment of troops, the raising of a foreign loan, in compliance with which a financial agent has already been sent to Europe, the purchase of arms and employment of other means for defense; it approved the Bravo concessions, in spite of Peru's protest, for the colonization of its eastern territories and building of highways, railroads, and canals from the east via the La Plata and Amazon Rivers, and it referred the acceptance of the Peru-Bolivia confederation to popular vote in the future; so that for the present that brilliant idea of Dictator Périola of Peru may be considered a failure; it passed an excellent mining law, and in general, being very conservative, may be considered to have worked for the interest of the country as best it could.

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* Enclosed with Mr. Christiancy's No. 200, November 2, 1880. See Document 285.

The Government of Bolivia having declined to declare commercial interdiction with Tacna and Arica at the request of Peru, the prefect of the narrow strip of country still nominally occupied by Peruvians between the above places, and the borders of Bolivia, had imposed upon all goods passing through his jurisdiction a transit duty in itself forbidding all trade, and had actually seized goods then en route for nonpayment, which action had excited the public feeling here very much, and came near leading to a rupture, but the Peruvian minister at La Paz ordered the goods released and a compromise was effected, whereby an additional 5 per cent. duty is to be paid to Peru, so that with the duties to Chili, Peru, and Bolivia, about 65 per cent. ad valorem, and the enormous costs of transportation prices of even the necessaries of life and especially clothing have risen to extreme figures, while money retains its full value, exchange being almost at par.

When the failure of the conferences became known here, the President made a spirited address to the troops in public; but the people are very dejected, an invasion is feared, and especially the inhabitants of this city already see their property burned and destroyed, and themselves fleeing from the cruelty and brutality of the enemy, their only hope being still that in some way or other the United States will intervene in what is now considered by all the most cruel and barbarous war of devastation, vandalism, and conquest on the part of the enemy, and that no mercy need be expected.

Minister Carrillo informed me yesterday that he, with his colleagues of the cabinet, had resigned, being forced thereto on account of the failure of the mediation; that they having held out the hope of peace to the country, and being unsuccessful, must now leave the work to others, who propose a different policy, and that the change in the cabinet would take place as soon as their report of the matters connected with the mediation with the protocols of conferences at Arica is published and submitted to the country.

What the future will bring, it is impossible to say; a hope still remains that the Argentine Republic may take part in the war against Chili; but I have not much confidence in this, and the present allies, I believe, will have to fight to the bitter and scarcely doubtful end.

I have, &c.,

CHARLES ADAMS.

No. 39.

Mr. Adams to Mr. Evarts.

No. 46.] LEGATION OF THE UNITED STATES,
La Paz, November 17, 1880. (Received January 3, 1881.)

SIR: I have the honor to transmit herewith a copy of a note received from Señor Carrillo, and one of the printed pamphlets mentioned therein, containing the report of the Bolivian plenipotentiaries, the protocols* of the conferences and the acknowledgment of the government.

Inasmuch as a translation of the protocols will be furnished by Mr. Christiancy, I transmit herewith only that of the report itself.

I have, &c.,

CHARLES ADAMS.

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* For report of the proceedings of the conference, see document No. 285, *post*.

[Inclosure 1 in No. 46.—Translation.]

Mr. Carrillo to Mr. Adams.

MINISTRY OF FOREIGN RELATIONS,
La Paz, November 13, 1880.

SIR: Repeating the acknowledgments of my government for the benevolent offices and personal attitude of your excellency during the peace negotiations, I have the honor to transmit three copies of a pamphlet, in which these conferences have been published.

I improve the opportunity to again subscribe myself, with all consideration and respect, your excellency's, &c.,

J. C. CARRILLO.

To His Excellency the MINISTER RESIDENT
OF THE UNITED STATES OF NORTH AMERICA,
Present.

[Inclosure 2 in No. 46.—Translation.]

Report of the Bolivian plenipotentiaries.

PLENIPOTENTIARIES OF BOLIVIA ON SPECIAL MISSION,
La Paz, November 5, 1880.

To the MINISTER OF STATE AND FOREIGN RELATIONS:

SIR: We have the honor to transmit to the department with this report the autograph protocols of the peace conferences which have taken place in the waters of Arica and on board of the American corvette Lackawanna, between the plenipotentiaries of the three republics engaged in the present struggle of the Pacific.

In accord with the high and sincere sentiments of the national government, we have tried, with decided ardor, to arrive at an arrangement for peace compatible with the honor of the allied republics and the great interests of South America.

We understood that such result would not be probable if we did not accept to a certain extent the necessary effects produced by the advantages gained on the battlefield. This consideration induced us to calculate quietly the favorable results which the allies might obtain, as well as the sacrifices which they might have to make without loss of dignity, not vaguely invoked, but defined in the course of events.

At the first step of the negotiations the designation of the place for the conferences became a point of diplomatic consideration, and might have definitely made these impossible. To obviate this incident, we agreed that one of us should go to Arica on a particular mission, accompanied their excellencies the American ministers, Messrs. Christiancy and Adams, which was done with the consent of their excellencies the plenipotentiaries of Peru. There we were enabled to speak to the delegate from the most excellent Government of Chili, who transmitted to it our different conciliatory propositions, which were, however, peremptorily rejected. On our responsibility thereupon we chose that the negotiations should take place on board of the corvette Lackawanna in the waters of Arica. The estimable arguments of their excellencies the ministers of the United States in the same sense facilitated the final opening of the conferences.

In these we maintained the same spirit which animated us. In the first we expressed our hope that the most excellent negotiators might consider the subject in accordance with its responsibility and as Americans, putting aside the inspirations of interior politics and the popular clamor of the day, considering only the serious and permanent necessities of the three republics. Our confidence in the noble action of the United States was strengthened above all when we heard his excellency Mr. Osborn, as organ of his colleagues and appreciating exactly one point in our history, declare in these words, "That for the first time the institutions of our continent were on trial."

Notwithstanding that the propositions of Chili when presented were of such a character as to shut off all discussion, we endeavored to maintain it patiently within the limits of natural development.

Consequently we introduced for the sake of peace and the high interests of America what we thought a measure of conciliation, counting upon the approbation of our government. Its sense and deductions, as well as the substance of our observations, are contained in the proper protocol. We will only add that their excellencies the plenipotentiaries of Chili declared this measure inconvenient and opposed to their instructions.

We favored decidedly the arbitration proposed by their excellencies the ministers of Peru, and did not omit to show all the advantages held out by this means even to the Republic of Chili.

Nothing was sufficient to change the unalterable resolution maintained by their excellencies the plenipotentiaries of Chili in regard to the definite annexation of all the Bolivian coast, and that of Peru as far as Camorones, as a basis *sine qua non* of any arrangement.

With satisfaction we have to refer to the distinguished attitude of their excellencies the plenipotentiaries of Peru in discharging their delicate and difficult task, wherein they were assisted materially by their clear and practical reasoning.

We also express our acknowledgments of the personal efforts of their excellencies the ministers of the United States, and we are well aware of what we owe to those particularly employed by his excellency Mr. Charles Adams; but, considering the antecedents of the mediation and the high object manifested in the first conference, we cannot conceal our lively regrets that it was not possible for the most excellent mediators to assume a different diplomatic attitude from that which his excellency Mr. Osborn marked out, and which reduced itself to a polite invitation to meet and preside over our discussions, without giving their presence any other character than that of the most simple and initiatory good offices.

Our efforts to re-establish an honorable and secure peace between the three republics have been without result. Arbitration, the most dignified mode of settling disputes among civilized nations, has been rejected. America will decide on which side justice remains.

Begging you to bring this report, with the protocols attached, to the knowledge of the President of the Republic, we herewith tender our respects and subscribe ourselves.

Your very, &c.,

MARIANO BAPTISTA.
JUAN C. CARRILLO.

No. 40.

Mr. Adams to Mr. Evarts.

No. 49.] LEGATION OF THE UNITED STATES,
La Paz, December 3, 1880. (Received January 21, 1881.)

SIR: Since the publication in pamphlet of the protocols of the Arica conferences, one of which, with the report of the Bolivian plenipotentiaries, I had the honor to transmit in my dispatch No. 46, another document relating to the same subject has been issued by the department of foreign affairs, a copy of which is herewith inclosed, in which Mr. Carrillo recites all the steps taken by him in regard to the mediation, and finally closes by offering his resignation on account of its failure. The manifest, as it is called, is quite lengthy, and as all the points are well known to you from my former dispatches, and the annexed correspondence with the memoranda of official interviews have all been transmitted by me, a complete translation seems unnecessary.

Mr. Carrillo begins by saying that as soon as the mediation had been offered he had, full of hopes of a successful issue, communicated these to the National Congress, which had approved of the policy to be pursued; and now, inasmuch as it had failed, he felt himself obliged to show to the country the reasons whereupon his hopes and policy were based. He then gives in detail the history of our correspondence from its commencement of our two interviews, and lays particular stress upon the idea advanced by me that if the representatives of the three republics could not agree, it seemed to me advisable that the settlement should be left to arbitration; at any rate that the different plenipotentiaries ought to have full power to accept arbitration if mediation failed, especially as this had been offered, not as a compliment, but actually with a view to end the conflict. He then proceeds to give his correspondence with his minister in Lima; refers to the offered mediation of the European

powers, and states his reasons why the latter could not be accepted. He then briefly mentions that the expedition to and destruction of private property at Chimbote had nearly frustrated all hopes of the conferences taking place, but that finally, all obstacles being removed, the actual meeting seemed to hold out a hope of a successful issue.

Passing to the conference, he describes the failure of the mediation to the determined and not-to-be-modified proposition of Chili to annex the Bolivian and Peruvian coast provinces by right of conquest simply, and leaves it to America and the world to judge whether this demand of Chili and the acknowledgment of being conquered by Peru and Bolivia would be consistent with the honor of the latter and with American interests at large.

He then calls attention to the curious history of this mediation, which was first accepted by Chili in August last, then even its existence denied by its cabinet, then again officially accepted on October 7, although my correspondence, as well as the fact that the day for the conference was fixed by Mr. Christiancy and Mr. Osborn for the 5th of October, borne out by the further fact that the Chilian admiral actually permitted the Peruvian vessel with the plenipotentiaries on board to leave Callao on the 1st of the same month, would demonstrate that the second acceptance was an act hardly in accordance with the honor of an American nation. Then, speaking of the attitude of the American ministers and the course pursued by us, he continues:

> The spirit of conciliation consistent with the good offices of a mediating power has never entered into the designs of Chili. Arbitration proposed with full acknowledgment of the advantages gained in the war was hotly rejected. All discussion, all agreement was impossible. The mediation, the diplomatic action of the allied governments, and the universal wish for the return of peace, I repeat, were doomed by the determined attitude of the representatives of Chili.
>
> In such extreme emergency what action would have been most consistent with the dignity of the most excellent ministers of the United States and the high prestige of its government?
>
> With perfect right and in accordance with the first step in the mediation they might have proposed acceptable bases, or they might have approved the propositions of the plenipotentiaries of the allies, if they considered these just and proper. They might have advised, and even honored with their decided approval, the acceptance of arbitration, which, considered in the Bolivian ministry as the essential basis of mediation and frankly authorized by the representative of the United States was the only possible solution since the beginning of the negotiations. This, and much more, and on a greater scale, corresponded with the fervent and noble desires with which the most excellent government of the United States proposed to aid in the restoration of peace.
>
> But this important step, which might have been taken by the representatives of the United States, preceded those haughty and determined declarations as well as the protest that under no considerations would these be changed; and they, convinced also that the sentiment of Chili was for war at any price, preferred to reserve their diplomatic action in order to avoid a sure rejection of their proposition and the grave consequences which might have followed such action. Without instructions towards such extreme eventuality they were obliged to limit their action to bringing the unexpected and unsuccessful conclusion of the offered mediation to the knowledge of their government. So by this step, prudent as well as of great foresight, they have preserved the prestige of the government of the Great Republic and the respect due its policy of conciliation.

Mr. Carrillo then gives it as his opinion that the Government of Chili at first was prepared to offer moderate conditions, but that under the influence of public clamor it had abandoned the path of justice, and thereby, perhaps, endangered its political future, and he concludes by offering, as stated above, his resignation because the policy advocated by him before the Congress and the country had failed.

It may not be out of place, nor uninteresting to add, that so far this resignation has not been accepted, nor is it likely to be, as the press and people, as far as heard from, are united in declaring the action of Señor

Carrillo to have been upright and statesmanlike, and President Campero last night informed me that, unless public sentiment in the interior should be different, Mr. Carrillo would certainly remain at the head of affairs.

At the same time I was also informed that Mr. Baptista, the other plenipotentiary at Arica, and Mr. Aramayo, the secretary, had been appointed minister and secretary of legation at Buenos Ayres, so that it seems that instead of being considered a failure, the Bolivian diplomats engaged in the negotiations are rewarded, their action and position are fully approved, and the result is considered an advantage, because it is hoped by some that the so openly exposed policy of conquest on the part of Chili, coupled with the rejection of arbitration, may induce our government to intervene; while, on the other hand, there is no doubt that it will compel the Government of the Argentine Republic, which also has its frontier disputes with Chili, to demand guarantees for its own security, in which case it is expected here, that war between those two powers will be unavoidable.

I have, &c.,

CHARLES ADAMS.

[The inclosure is a lengthy pamphlet in the Spanish language, the translation of which would cause delay in the transmission of the papers to Congress. It will be translated if required.]

No. 41.

Mr. Evarts to Mr. Adams.

No. 24.] DEPARTMENT OF STATE,
Washington, December 14, 1880.

SIR: You dispatch No. 36, of the 24th of October last, written while on board of the United States ship Lackawanna, Bay of Arica, has been received. It narrates the personal movements of yourself and the Bolivian plenipotentiaries to join the conference, under the mediation of the United States, between the belligerent powers.

Your action, as reported therein, is approved by the Department.

While upon the subject of the mediation between the plenipotentiaries of Bolivia, Chili, and Peru, I have to inform you that Mr. Christiancy has, in his dispatch No. 200, of the 2d ultimo, inclosed the protocols of the conferences of such representatives, held at Arica from the 22d to the 27th of October last.

Although this government would have been glad to have received intelligence that its efforts in the direction of securing peace between the belligerent powers had been efficacious to that desirable end, and although it cannot cease to entertain the most serious regret that such efforts have met with so little apparent success thus far, the Government of the United States still stands ready to render its assistance to that end in every proper way.

I am, &c.,

WM. M. EVARTS.

No. 42.

Mr. Adams to Mr. Evarts.

No. 52.] LEGATION OF THE UNITED STATES,
La Paz, December 16, 1880. (Received February 5, 1881.)

SIR: I have the honor to transmit herewith a diplomatic circular addressed to the governments of South America by the minister of foreign relations of Bolivia, and which, in connection with his manifest, a copy of which has heretofore been transmitted, is intended to fully demonstrate the position of Bolivia in the present war, the unjust demands and cruel mode of warfare on the part of Chili, and seems to have in view an active intervention of the other South American States as against the encroachments on the part of Chili.

Much of what is contained in this circular is a repetition of former declarations, especially as to the policy of Chili, now openly acknowledged to be one of conquest, and which Mr. Carrillo thinks, if accepted in silence and without protest by the other governments of South America, would, after what has happened at Arica, place these in a position of virtually acknowledging it to be proper and right.

The principal reasons for invoking the intervention of the other States against Chili are its policy of conquest, contrary to American ideas, traditions, and interests; the cruel mode of prosecuting the war by destruction of private property and undefended towns; and, principally, the rejection of the proposed arbitration.

If the first should be accepted as the future policy of America, Mr. Carrillo explains, all the different republics would be obliged to keep large standing armies, which heretofore had never been necessary, and constant wars might be apprehended.

Chili had never pretended to claim any part of the territory now demanded as the price of peace; while even when the small Republic of Paraguay, after a long war, and completely at the mercy of its enemies—the powerful Empire of Brazil and the Argentine Confederation—it was especially declared that the victory did not give them title to disputed territory, but the decision on that point was left to the President of the United States as arbiter; and in accordance with it the Argentine Republic returned to Paraguay territory to which it had claimed and believed to have rights, and Brazil kept only such as it fully was entitled to.

The coast district of Bolivia, small as it is, had given it an outlet to the Pacific Ocean, and its possession was never questioned until natural deposits of salitre and guano were discovered, and should it now be taken, its only outlet would be gone, and thereby its very existence and certainly the equilibrium of South America be threatened.

Passing to the second consideration, the various acts of devastation in the present war are enumerated and compared to the policy of England during our own war of 1812–'14, when Admiral Cochrane destroyed our undefended towns on the Atlantic and even the public buildings of our capital, for which action he had not only been denounced in his own country, but all over the civilized world, and which like action, in addition to what already has been done, is now threatened against Lima, the old and historical city of the Pacific, destruction of which has been authorized by Chili.

The third consideration, the rejection of arbitration by Chili, is especially commented upon, because a month before the conference at Arica

it had entered into a treaty with the Republic of Colombia on the following terms:

Desiring to affirm the sentiments of international friendship which should be the foundation of peace and fraternity in America, they have with this object in view resolved to make a treaty and have signed the following articles:

First: The two republics are forever obliged to submit to arbitration all controversies and difficulties of whatever nature may come up between both nations.

Second: In case of failure to agree, the President of the United States of America is fully authorized as arbiter to carry out his functions as such.

Third: Colombia and Chili shall try at the first opportunity to hold like conventions with the other American nations, so that the solution of all international conflicts by means of arbitration be a principle of American public right.

A month after this had been signed, the very principle was disowned, one entirely contrary to its protestations proposed, and the very power which so solemnly had been designated as arbiter by Chili itself as solemnly rejected.

Mr. Carrillo in summing up, refers also to the other conditions imposed upon the allies, which virtually deprive them of their sovereignty, as it prohibits them from entering into future treaties, besides declaring null and void a former one, and forbids Peru even to fortify its own ports in the future; thereby assuming such domination as no nation could submit to, if not totally conquered. Mr. Carrillo therefore believes that the governments of the other republics, convinced of Chili's bad faith, barbarous acts, and intentions, its false position, lust of conquest and domination, will in their wisdom take such steps as will stop these ambitions, preserve the traditions of America, and define such a policy for the future, which, in accord with the division of Spanish-America, and the definition of the limits of the different republics as agreed upon in 1810, will forever avoid further complications and conflicts; to which end he advises that an American congress should meet, deliberate upon all questions at issue, and establish such guarantees as will keep intact these limits, and in that way procure a lasting peace. On account of a severe illness, from which I still suffer, and having no assistance whatever, I have not been able to make a translation of the circular, but trust that the above summary may answer the purpose.

I have, &c.,

CHARLES ADAMS.

[The circular is very long, and as the minister has given the substance in the dispatch it is not transmitted.]

No. 43.

Mr. Adams to Mr. Evarts.

No. 56.] LEGATION OF THE UNITED STATES,
La Paz, January 9, 1881. (Received February 15.)

SIR: I have the honor to transmit herewith a second diplomatic circular,* addressed by Mr. Carrillo to the other American governments, relating to the present war with Chili, and which is especially intended as an answer to and in refutation of the position assumed by the minister of foreign affairs of Chili, as expressed in his diplomatic circular

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* This second diplomatic circular of Bolivia, dated December 20, 1880, is long and in the Spanish language. A translation will be furnished if deemed desirable.

of November 10, 1880, a copy of which no doubt has reached the Department.

The charges contained in the latter circular as against Bolivia, "that she has failed to comply with the provisions of former treaties, that she had rejected arbitration, and that she had entered into the 1873 treaty with Peru with hostile intent towards Chili," are *seriatim* considered in this paper, and the whole question is carried back to the outbreak of the war and the causes leading to it, which, from a Bolivian standpoint, are shown to be for a long time entertained and premeditated by Chili in order to conquer and utilize the rich coast districts belonging to Bolivia.

I have, &c.,

CHARLES ADAMS.

No. 44.

Mr. Adams to Mr. Evarts.

[Extract.)

No. 57.] LEGATION OF THE UNITED STATES,
La Paz, January 17, 1881. (Received March 2.)

SIR: I have the honor to report that on the 15th instant the Carrillo cabinet, whose probable dissolution after the failure of the Arica conferences was foreshadowed, went quietly out of office, and a new cabinet was announced, which consists of Dr. Nuñez del Prado, minister of government and public instruction; Señor Villazon, for treasury (retained); Dr. Aguirro for war, and Dr. Jiménez for foreign affairs and public worship. The latter, at present prefect of the province of Cochabamba, has as yet not arrived at La Paz, so that Dr. Nuñez del Prado is charged with the business of the foreign department for the time being.

This cabinet may be considered representing the extreme war party, as Dr. Aguirro will be the soul of it, who, as a member of the late Congress was daily and hourly advocating fresh measures for resistance and aggression, and has ever been opposed to President Campero's policy of inaction and expectancy.

While Chilian cannon are thundering at the very doors of Lima, and all Bolivia is trembling for its fate and praying for its deliverance, this change of cabinet takes place, and with it a ray of hope comes from the south, from the government of the Argentine Republic, which at last has granted free transit for Bolivian arms and ammunition, and should the anticipated capture of Lima be delayed, Chili may find in a short time a Bolivian army in its rear occupying Tacna, Arica, and Iquique, which might force it to abandon its plans regarding Lima, and to fight again for the possession of Atacama and Tarapaca, which provinces it has already fondly considered its own by right of possession and conquest. I am also informed by the Peruvian minister that the government at Buenos Ayres has decisively declared its intention to oppose any annexation of territory in South America, and its press and public opinion have lately assumed such bitter hostility towards Chili, that even before you receive this the latter may have considered it wiser to abandon its proud and haughty position.

This city, although rumors of revolution are frequently circulating, remains quiet; the other day a plot of mutiny was discovered amongst

the soldiers, and a sergeant promptly shot, and the editor of La Patria, who advocated peace with Chili at the expense of Peru, might have shared the same fate if he had not been granted asylum in the Brazilian legation, but had to leave the republic within twenty-four hours, which measures seem to have established General Campero only the firmer in his seat, so that I do not expect any serious attempts against him, unless events now taking place near Lima should deprive Dictator Piérola of power, and in sympathy should also affect Bolivia. * * *

I have, &c.,

CHARLES ADAMS.

No. 45.

Mr. Nuñez del Prado to Mr. Evarts.

[Translation.]

MINISTRY OF FOREIGN RELATIONS OF BOLIVIA,
La Paz, February 1, 1881. (Received May 10.)

SIR: This ministry has the honor to inform your excellency's government of Bolivia's unshaken determination to defend her rights and to repel the doctrines of absorption and conquest which are sustained by Chili.

This attitude, which is the only one that my government considers compatible with the dignity and lawful privileges of an American nation, is in accordance with the conviction which it entertains, that the vast proportions which the war on the Pacific is daily assuming affect not only the territorial integrity of the allied nations, but even their future autonomy, and the permanent interests of America in a serious manner.

In order to defend this idea, Bolivia has sacrificed her bravest sons, and is anxiously waiting for every American country to protest against the acts of that nation which has originated this sanguinary conflict.

Meanwhile the allied forces, whose arms have been attended with very ill success during the course of the struggle, have just met with another reverse near Lima.

The loss of that maritime city, and the total destruction of the allied fleet, oblige the government of the undersigned once more solemnly to declare to the friendly nations of this continent that it is resolved unflinchingly to persevere in the defense of its autonomic integrity and in that of American interests.

The occupation of Lima, far from shaking the determination of this republic, has stimulated its patriotism, and it is now prepared to continue the struggle with Chili at any sacrifice.

This resolution is strengthened by the remembrance of an act which will be condemned by all America. The war, which was inaugurated by the forcible occupation of the maritime districts of Bolivia, is not a dispute concerning a right that is more or less doubtful among the belligerent powers; it is one for the settlement of serious and highly important questions. Chili, confiding in the strength of her navy, hoists the standard of conquest and of territorial annexation. Bolivia and Peru reject these doctrines and offer their blood and treasure in behalf of the triumph of the principle of right.

There is, then, an immense chasm between the objects aimed at by the two contending parties; and peace with Chili, which is at the present

moment impossible, cannot be restored save by the absolute triumph of the one and the utter overthrow of the other.

The justice of the cause which Bolivia is defending is in itself a powerful stimulus to maintain the contest, and the cheering conviction which she entertains, viz, that in sacrificing herself in her own defense she is sacrificing herself for the great interests of America, increases her warlike enthusiasm, and adds fuel to the flame of her patriotism.

My government feels persuaded that by resolutely accepting this situation it furnishes evidence of its good faith towards its ally and of its devotion to the principles which it professes.

If the final result shall be unfavorable to her, Bolivia will have the glory of having sacrificed herself in defense of her rights in preference to accepting the galling yoke of the conqueror.

Such, most excellent sir, are the declarations which my government desires to make to friendly nations, inasmuch as they are watching with increasing interest the prolonged struggle on the Pacific coast, and as for the continuance of that struggle it relies upon the favorable opinion of your excellency's enlightened government.

This occasion affords to the undersigned minister of foreign relations of Bolivia the high honor of offering your excellency the assurances of the esteem and respect with which he subscribes himself,

Your excellency's obedient servant,

DANIEL NUÑEZ DEL PRADO.

To his Excellency the MINISTER OF FOREIGN RELATIONS
of the United States of North America, Washington.

No. 46.

Mr. Adams to Mr. Evarts.

[Extract.]

No. 59.] LEGATION OF THE UNITED STATES,
La Paz, February 3, 1881. (Received April 26.)

SIR: Referring to my dispatch No. 57, of the 17th ultimo, I have the honor to report that Dr. Nuñez del Prado, of whose appointment as minister of foreign affairs *ad interim* I had advised you, has now entered upon the duties of that office in the full character. * * *

The news of the defeat of Dictator Pierola, of Peru, before Lima, and the capture of that city, at first discredited but within the last days fully confirmed, has so demoralized all classes and parties that opinions as to the probable consequences here are as yet simply speculative, and must remain so until the course of Peru in its defeat, and that of victorious Chili, develops itself.

The foreigners here not represented by ministers, or consuls even, are in the greatest terror since it has become known that Lima would have been pillaged and plundered only for the energetic action of the diplomatic corps, backed by a powerful fleet; and they fear that, if a Chilian force should approach La Paz and the government be compelled to abandon the city, not only the soldiers of the enemy but also the lower classes of the population here might commit excesses, directed of course mainly against the property and persons of foreigners.

Should this eventuality occur, I hope to be able to save life and prop-

erty in exerting myself to bring about a peaceful occupation of the city by the enemy, and in organizing an armed city guard of the foreign residents, in imitation of the course taken at Lima.

Allow me to add that I still remain without mail of any kind from the United States.

I have, &c.,

CHARLES ADAMS.

No. 47.

Mr. Adams to Mr. Evarts.

No. 60.] LEGATION OF THE UNITED STATES,
La Paz, February 15, 1881. (Received April 26.)

SIR: I have the honor to transmit herewith a copy of a diplomatic circular from the Bolivian minister of foreign affairs, issued under date of February 1, with translation, in which the position of Bolivia is defined as influenced by the late defeat before Lima.

I do not think it necessary to add any opinion of mine regarding this circular and the very strong views of the Bolivian Government therein expressed, as it quite corresponds with what I have foreshadowed in former dispatches; I may, however, say that although Bolivia is apparently exhausted and looked upon by Chili as an enemy not worth troubling herself about, it may carry on for an indefinite period a guerrilla warfare, which will be a continuous menace to Chili, and well calculated to threaten its peaceful possession of the conquered territory, necessitating the support of a large standing army, while at the same time it will no doubt turn Bolivia's commerce towards the Atlantic, via the La Plata or Amazon River. At any rate, I consider Bolivia stronger to-day than Peru, as it has more means of resistance and a more united people, and has suffered less in the actual war.

The original document, addressed to the minister of Bolivia at Washington, I beg to inclose for transmittal to its address, as requested in the accompanying note of the Hon. Dr. Nuñez del Prado, and have the honor to be, &c.,

CHARLES ADAMS.

[Inclosure 1 in No. 60.—Translation.]

Mr. Prado to Mr. Adams

MINISTRY OF FOREIGN RELATIONS OF BOLIVIA,
La Paz, February 1, 1881.

SIR: I have the honor to transmit to your excellency the original and a legalized copy of a diplomatic circular which this office directs to that of the United States, and in which, by occasion of the new defeat which the allied armies have suffered, it again expresses the unalterable intention of Bolivia to defend its rights and repel the ideas of conquest entertained by Chili.

Meanwhile I beg of your excellency to please have it reach its high destination, and accept the sentiments of my most perfect consideration.

DANIEL N. DEL PRADO.

[Inclosure 2 in No. 60.—Translation.]

Mr. Nuñez del Prado to Mr. Evarts.

MINISTRY OF FOREIGN RELATIONS OF BOLIVIA,
La Paz, February 1, 1881.

SIR: This department has had the honor to declare on more than one occasion to the most excellent government of your excellency the unalterable intention of Bolivia to defend its rights and to repel the ideas of absorption and conquest entertained by Chili.

This position, which my government believes to be the only one compatible with the national dignity and American institutions, is borne out by the conviction that the immoderate proportions which the war of the Pacific from day to day assumes do not only affect the territorial integrity of the allied nations, but also the future self-government of the same and in a grave manner the permanent interests of America.

In defense of that idea Bolivia has sacrificed its most illustrious sons, and hopes anxiously that each of the South American sections may hear its voice of protest against the country which has brought about such bloody struggle.

In the mean while the allied armies, whose fortune has been adverse for so long, have just suffered in the course of the conflict a new check in the neighborhood of Lima.

The loss of the last seaport of the alliance and the total disappearance of its squadron places the government of the undersigned in the position to declare solemnly again before the sister nations of the continent its determined and persevering resolution, which it assumes in defense of its integrity, autonomy, and American principles.

The occupation of Lima, far from weakening the firm intentions of this republic, has strongly wounded its patriotism, and to-day it finds itself resolved to sustain the struggle with Chili to any sacrifice.

This unconquerable resolution is strengthened by the bitter remembrance of a fact which will be condemned by the judgment of America. The war, begun with the forcible usurpation of the coast province of Bolivia, does not mean a controversy between the belligerent nations about a right more or less in doubt; it is a combat over questions of serious importance perfectly antagonistic and at variance; Chili, supported by its naval power, raises the standard of conquest and of territorial annexation; Bolivia and Peru reject these doctrines, and offer towards the triumph of principles of modern rights its blood and its treasures.

There is therefore an abyss between the propositions of both adversaries, and peace with Chili, impossible for the present, can only be brought about by the absolute superiority of the one and complete ruin of the other.

The justice of the cause which Bolivia defends is alone a powerful encouragement and the consoling conviction that besides sacrificing itself to the great interests of America, fires its martial enthusiasm and gives new vigor to its patriotism.

My government is persuaded that in accepting resolutely this situation it gives proofs of its loyalty to its ally and the cause of principles. If the final result should be adverse, there will remain for Bolivia the glory of having sacrificed itself for principles and rights before accepting the offensive yoke of conquest.

These are, most excellent sir, the declarations which my government has the honor to bring to the notice of the friendly nations who look with growing interest upon the prolonged struggle of the Pacific, and to sustain which it relies upon the favorable opinion of your excellency's most illustrious government.

This occasion affords the undersigned, minister of foreign affairs of Bolivia, the high honor to offer to your excellency the pledges of esteem and respect with which he subscribes himself,

Your obedient servant,

DANIEL NUÑEZ DEL PRADO.

No. 48.

Mr. Ladislas Cabrera to Mr. Evarts.

[Translation.]

LEGATION OF BOLIVIA IN THE UNITED STATES,
Washington, February 18, 1881. (Received February 19.)

SIR: In reference to the subject which I had the honor to broach to your excellency, in the name of my government, on the 3d instant—the

conference which you were pleased to accord to me, at my request, having then remained pending—I take pleasure in laying before your excellency's government the latest intelligence that I have received from the Pacific touching the war subsequently to the occupation of Lima by the Chilian army.

According to this intelligence the government of Peru had retired to the departments of the south. Mr. Pierola, the President, having declared that the seat of government is where the Executive is, Mr. Auelio Garcia y Garcia had been appointed secretary-general.

The Government of Peru, on taking its departure for the department of Arequipa, was firmly purposed to continue the war to the utmost extremity. This information is contained in a telegram which has been received by Mr. Ramon I. Garcia, chargé d'affaires of Peru near your excellency's government.

General Baquedano, moreover, who is in command of the Chilian forces which have occupied Lima, had addressed an official communication to the municipal government of the capital of Peru, apprising it of the necessity of forming a board composed of the principal citizens, that it might designate a provisional government with which an armistice might be concluded or some other arrangement made. The municipal government had replied that, inasmuch as President Pierola's government was still existing and had received its powers from the nation, no municipal government or board of principal citizens could arrogate to itself the right to appoint another government.

General Barquedano had likewise addressed a communication to the supreme court of Peru, requesting it to re-enter upon the discharge of its functions, but the court had replied declining to do so.

As to Bolivia, it is known that her army was to march against Tacna under the command of General Campero, the President of the Republic, and in concert with a portion of the army of Arequipa, on the 15th of last month.

It was also known that she had received a supply of arms, and expected to receive more, through a reliable channel.

All this shows that the occupation of Lima has not ended the war, and that, so far from this being the case, the Governments of Peru and Bolivia will continue it with greater activity than ever.

Nevertheless, some solution must be sought that will put an end to the present state of things, and I firmly believe that, an earnest desire existing to secure an honorable peace, and one that will meet all present questions of the belligerent nations, as well as those of the future, some combination acceptable to all parties is not impossible.

To this effect I beg leave to offer the plan contained in the documents numbered 1 and 2, and herewith inclosed, to the consideration of your excellency's government.

This plan, if carried out, would, in my judgment, meet all the difficulties that have given rise to the war, they being simply the wealth of Peru and Bolivia.

It would systemize the working and management of that wealth in the interest of universal commerce; in the interest of the markets which purchase guano and saltpetre; in the interest of the owners of the territory containing these valuable substances, and in the interest of modern civilization, which loves peace and detests war.

In a political point of view it would prescribe the right of conquest; and as regards the stability of the South American nations, it would firmly establish the *uti possidetis* principle, which is the foundation of their nationality and independence.

Moreover, with regard to the manner in which the guano and saltpetre deposits of Peru and Bolivia have hitherto been worked by European capital, long years of experience have shown that there is need of a new element, capable of giving renewed vigor and a different form to the industry and commerce of those republics.

With the most respectful and cordial sentiments, I am, &c.,

LADISLAS CABRERA.

To His Excellency the SECRETARY OF STATE.

[Document No. 1.]

PLAN.

1st. The organization of a company in the United States is suggested, for the purpose of working the guano and nitrate deposits of Peru and Bolivia, the company to consist of powerful capitalists, and the effective capital and organization to meet the approval of the Governments of Chili, Peru, and Bolivia.

2d. The three governments to turn over to the company, for the period of —— years, the entire and exclusive control and administration of the districts claimed by Chili by right of conquest, as well as any guano deposits not so claimed, and to guarantee their pacific occupation by the company.

3d. The United States Government to guarantee that the company shall remain in peaceable and undisturbed possession and administration of the districts to be designated in the contract.

4th. From the proceeds of the working of the guano and nitrate deposits—the company to retain such amounts as may be indicated in the contract, and to apply the remainder in such proportions as Chili, Peru, and Bolivia may arrange by treaty.

First. To the war indemnity which may be agreed upon.

Second. To the payment of nitrate certificates.

Third. To the existing foreign loans of Peru.

Fourth. To the Peruvian Government.

Fifth. To the Bolivian Government.

5th. The company is to establish its own agencies in the various markets of the world, conduct and manage all sales of the guano and nitrate, and manipulate both products within limits to be agreed upon; but the entire operations of the company shall be subject to periodical report and inspection.

6th. The contract company to have authority to capitalize, in the form of a public loan, the war indemnity and the nitrate certificates; and if it be found convenient by the company, the Peruvian loans of 1870 and 1872 may be included in a single consolidated issue; the rate of interest, sinking fund, issue-price, commission, &c., to be agreed upon in consultation with the three governments.

Should a loan be negotiated, Chili to be paid the full war indemnity at once, and to release all claim and charges upon the guano and nitrate deposits and districts of both Peru and Bolivia held by the company, but not to retire her obligation guaranteeing the pacific occupation by the company of the districts confided to its administration.

WASHINGTON, D. C., *February* 18, 1881.

[Document No. 2.]

FINANCIAL STATEMENT.

	Tons.
Annual guano product of Peru	350,000
Annual nitrate product of Peru	275,000
Annual nitrate product of Bolivia	60,000

	£	*s.*	*d.*
Total cost of the guano delivered to the buyers in Europe, per ton	4	10	0
Lowest selling price	12	10	0
Cost of nitrate delivered in Europe to the buyers, per ton	9	0	0
Average selling price of nitrate for ten years, per ton	14	14	0
From the above data we have on guano a profit of per ton	7	10	0

Or on 350,000 per annum	£2,625,000
Profits per ton on nitrate £5 14*s.* 0*d.*, or on 335,000 tons per annum	1,909,500
Total annual income	4,534,500
Deduct 7½ per cent. for profits of the contract company and contingencies on gross product of £4,200,000 of guano and £4,924,500 of nitrate.	684,337
We have net annual income	3,850,163

DEBTS.

Chilian war indemnity, say	£6,000,000
Nitrate certificates	4,000,000
	10,000,000

Suppose the issue of a loan to pay off the war indemnity and the nitrate certificates, say, including discounts and commissions, £11,000,000. Five per cent. interest and 1 per cent. sinking fund would require as annual service £660,000. The total net income above calculated is £3,850,163. Deduct annual service of loan above estimated, £660,000. Remainder, £3,190,163, applicable to the Peruvian loans of 1870 and 1872 and to the Governments of Peru and Bolivia.

WASHINGTON, D. C., *February* 18, 1881.

No. 49.

Mr. Adams to Mr. Evarts.

No. 61.] LEGATION OF THE UNITED STATES,
La Paz, February 24, 1881. (Received April 26.)

SIR: I have the honor to transmit herewith the correspondence which has taken place between some Spanish subjects residing in La Paz and myself, upon the question of a war-tax levied upon the people of Bolivia by the late Congress and now about to be enforced.

You will perceive that I have refused to accommodate these gentlemen, for aside from the consideration that the request for my official interference should have come from the Spanish Government directly, or its minister at Lima, I consider the tax referred to not one of an extraordinary character as implied by the treaty mentioned in the petition, as it was decreed by a Congress and imposed upon all inhabitants of the Republic in proportion to their property.

A question of this kind upon application of American citizens residing in Mexico was at the time decided by the then minister, Mr. Corwin, in the same spirit, and his action was approved by the Department, so that although my reply to this—a test petition, which was to have been followed by others—has obviated all further resistance on the part of other foreigners. I feel that in advising Americans, even, to pay, I have acted properly and in accordance with international comity.

I have, &c.,

CHARLES ADAMS.

[Inclosure 1 in No.61.—Translation.]

LA PAZ, *February* 11, 1881.

To his Excellency General CHARLES ADAMS,
Minister Resident of the United States of America, present:

Mr. MINISTER: We, the undersigned, Spanish subjects resident in this city, see ourselves obliged to trouble your excellency and to request your assistance towards a petition, which we are compelled to direct to the supreme government of this republic,

which petition, praying for an exemption from the extraordinary contribution now actually demanded from Bolivian citizens, is attached to this note.

We request your protection, most excellent sir, on account of the known absence of a diplomatic representative of His Majesty the King of Spain to a simple consular agent in all the territory of the Republic, in which case the international practice of civilized nations authorizes us to have recourse to the representative of a nation friendly to our own, who cannot refuse to assist us if he is convinced of the justice of the reclamation.

In the present case your excellency will perceive that our request cannot be more just, and the minister of the United States, a nation so friendly to Spain, cannot do less than accede to our demand.

Your excellency will, therefore, be kind enough to present our petition to the supreme government near which you are worthily accredited, and to duly favor the same, being assured that by so doing you will not only earn our gratitude, but also, as may be imagined, that of the Government of his Catholic Majesty.

With this motive we have the high honor to subscribe ourselves your excellency's obedient and respectful servants,

MIGUEL SARAIZABEL.
JAIME DAVIN.
EDUARDO Q. MALDONALDO.
ANJEL BAJINETA.
CELSO COMELLAS.
DOMINGO DE ITURDE.
JUAN FORRENS.
JUAN RUDON.
LIZANDRO RUDON.
MIGUEL SOL.
JUAN CORES.
JOSÉ HERRERA.

[Inclosure 2 in No. 61.—Translation.]

Mr. PRESIDENT OF THE REPUBLIC: Asking a declaration of exemption of what they mention, founded on the international laws they quote:

The undersigned, Spanish subjects resident in this city, through the organ of the minister for foreign affairs, and by the mediation of the minister resident of the United States of America, not having a diplomatic or consular agent of their own nation, most respectfully submit to your consideration:

That the supreme Government of Bolivia, making use of its legitimate authority, has ordered the carrying out of a law of the late national convention, by which an extraordinary forced war contribution was ordered to be levied, assessed equitably and proportionately.

That for this purpose and in this department of La Paz, in which we are residents, a commission of most honorable and competent persons has been appointed to assign to each citizen the quota he has to pay according to the judgment of said commission.

That in the distribution of the said forced war contribution and its assessment, not only the inhabitants of this city, without distinction or exemption whatever, have been included, but also the foreigners; as the said honorable commission has not weighed the powerful and imprescriptible exemptions established as a general rule in favor of foreigners by international law, and fixed especially in our behalf by solemn international treaties in full force to-day between Bolivia and Spain.

On this account we are obliged to address ourselves to the justification of the government of the republic, asking a declaration of exemption from all extraordinay war loans or taxes, on account of our being Spanish subjects, protected not only by international law, but by the formal engagements of this nation towards ours.

The legal reasons on which we base our claim are obvious, and fearing to offend the recognized knowledge and integrity of the government of the republic, we will briefly and summarily mention just only in order to bring them to mind.

By the treaty made between this republic and His Majesty the King of Spain, at Paris, on the 29th of August, 1879, ratified and exchanged in the same city on January 19, 1880, and promulgated as a law of the republic in this city of La Paz on the 30th of August last (third article), are re-established in full force the stipulations of the treaty made between the said nations on February 12, 1861. The eleventh article of said treaty says literally: "Neither Bolivians in Spain, nor Spaniards in Bolivia, are obliged to serve in the army, navy or militia, and they are exempt from all extraordinary impost tax or loan, and in the ordinary taxes which they pay on account of their industry, commerce or landed property, they must be treated just as the citizens or subjects of the most favored nation." One cannot find a more clear, peremptory, and

reciprocal exemption in favor of the citizens of both states, living in each other's territory, and which involves their exemption from all forced or extraordinary taxes (of war) in strict compliance with the doctrines of international law.

And even if this positive law referred to did not exist—a law that, like all international treaty law, is supreme and modifies even the constitution of the state—it is enough to legitimate our claim by stating that the practical jurisprudence of all civilized nations and the doctrine established by all the authorities on the subject are all in our favor.

There is no need to quote Vattel, Pradier, Forderé, Fioré, Jenner, Block, Bello, and so many other eminent writers, who unanimously sustain this doctrine; but we will refer to all the treaties of amity and commerce in force to-day between different nations, all of which establish the doctrines of exemption with rigorous uniformity.

To insist on this would be tiresome and superfluous. We are sure that the government has had no doubt about it, and that, taking duly into account our petition, the government will modify the proceedings of the assessing commission, and that it will proclaim a doctrine which is a law of the nation and attested by a sacred agreement, by declaring that the subjects of His Majesty the King of Spain are not obliged to pay now, and are not subject to any other tax of the kind, either of blood, money, or otherwise.

We expect our petition will be duly and justly appreciated, and granted as it is founded on justice.

La Paz, 11th February, 1881.

MIGUEL GARAZAIBAO.
JAIME DAVIN.
MIGUEL SOL EDUARDO Q. MALDONALDO.
CELSO COMELLAS.
ANJEL BAJINETA.
DOMINGO DE ITURBE.
JUAN FORRENS.
JUAN KERDON.
LIZANDRO RUDON.
JOSÉ HERRERA.
JUAN COSES.

[Inclosure 3 in No. 61.]

LEGATION OF THE UNITED STATES,
Cotaña, February 18, 1881.

Messrs. SARAZABAL, DEVIN, MALDONALDO, and others, subjects of Spain in La Paz, Bolivia.:

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 11th instant, in which you ask me to transmit to the Government of Bolivia, in an official manner, a document signed by the Spanish subjects of La Paz, praying for an exemption from the forced loan lately decreed, and in which you ask my help and protection, basing your request upon the fact that Spain has no representative of its own near the Government of Bolivia, and that you feel yourselves authorized by common international usage to call upon me as the representative of a friendly nation.

In reply to your polite and dignified letter, I am sorry to be obliged to inform you that I cannot comply with your request, inasmuch, by the established usage of nations, and in compliance with the rules made for the ministers of the United States by its government, it is required that the request for diplomatic protection of subjects of another country by any minister of the United States should come from the government of such country, and should be acknowledged by the government where both reside.

In cases where the life, liberty, or property of a foreign subject or citizen, not represented, has been in danger either from local persecution or foreign invasion, it has been customary for such foreigner to claim the help and protection of the representative of a friendly nation, and without a previous request from his own government and the usual formalities it has been accorded freely and fully, especially by ministers of the United States, at different times and occasions, but this case, involving as it does no act of persecution or injustice even, but simply the rights and duties of foreigners under established treaty stipulations, into a discussion of which I am not prepared to enter, offers no reason for my official interference, especially as I cannot deny that a sovereign nation has the right, even in time of war, to levy extraordinary taxes, not upon the person, but the property and business of its inhabitants, and as long as no distinction is made in the assessment of this tax, called strangely, for what reason I know not, a forced loan (*emprestito forzoso*), although legally authorized by a constitu-

tutional Congress of the republic, I do not feel warranted in throwing obstacles in the way of the government, and did and shall advise my own countrymen to pay the said tax.

I have the honor, in returning to you, gentlemen, the document referred, to assure you of my highest respect and consideration, and to subscribe myself,

Your very obedient servant,

CHARLES ADAMS.

No. 50.

Mr. Cabrera to Mr. Blaine.

[Translation.]

LEGATION OF BOLIVIA IN THE UNITED STATES,
Washington, May 9, 1881. (Received May 9.)

MOST EXCELLENT SIR: In the month of February last I had the honor to have a verbal conference with Mr. Evarts, then Secretary of State, with regard to the urgent necessity of putting an end to the long and disastrous war between Peru, Bolivia, and Chili.

For the purpose of reaching some practical result, I proposed, after some preliminaries, the bases of a peace contained in my note of February 18th and the two inclosures therewith transmitted.

His Excellency Mr. Evarts, although he considered the plan submitted to his consideration as possessing a high degree of importance, had not time to give it the necessary attention, owing to the change in the administration of the United States Government, as he had the kindness to state in his note of March 5.

I duly reported what had been done to the Governments of Bolivia and Peru, calling their attention at the same time to the necessity of proposing those bases of a peace to Chili as their ultimatum.

Since that date the character of the war has not changed much, notwithstanding the occupation of Lima by the victorious forces of Chili. In the south and north of Peru resistance is still continued, and in Bolivia public spirit has been invigorated by the news of the occupation of Lima, all of which renders it probable that the war will be interminable.

This view is confirmed by a telegram which was published by the New York Herald in its issue of the 6th, in which it was stated that the King of Holland had authorized his representative to tender his (the King's) good offices, in conjunction with France, England, and Italy, to the three belligerent nations for the restoration of peace.

I cannot believe, under these circumstances, that your excellency's government, which during the course of this war has manifested so deep an interest in the restoration of peace among the nations of South America, will permit foreign powers to claim the merit of having restored peace, while the plan which I had the honor to propose is still pending before it. In presenting that plan my object was manifold, viz, to bring about an honorable peace; to strengthen and develop the wonderful productive power of North America by opening new and profitable markets to its commercial activity; to secure to your excellency's government that influence in South America which rightfully belongs to it by reason of its proximity, its civilization, and the similarity of its institutions; and, finally, to satisfy the pecuniary demands of Chili, the conqueror of Lima.

In order to secure such great benefits to humanity, to whom war must

ever be repugnant; to bring two continents of the new world into immediate contact by closely uniting them in the bonds of industry and commerce; and, finally, to secure even the rights of the conqueror (although they are improperly so called), what is it that the plan proposed by me asks of your excellency's government?

Nothing but the fulfillment of an obligation, which is to be common to all the governments, viz, to guarantee that capital invested by citizens of the United States in the management and working of the guano and nitre deposits of Peru and Bolivia shall not be disturbed in its industrial application.

I take the liberty to submit these passing reflections to your excellency, that they may receive attention when you may see fit to consider my plan, and to secure a new title to glory to your government by restoring peace in South America, and by opening up new sources of wealth to North American labor and activity.

I purposely avoid presenting any further considerations, but I feel sure that the foregoing will not be disregarded by your excellency.

With sentiments of true respect and high esteem, I am your excellency's obedient servant,

LADISLAS CABRERA.

No. 51.

Mr. Adams to Mr. Blaine.

No. 75.] LEGATION OF THE UNITED STATES,
La Paz, June 8, 1881. (Received July 18.)

SIR: Regarding the political situation of Bolivia, I have the honor to report that everything remains *in statu quo*. The Congress of the country has been called to meet in extra session on the 13th of this month, but it is simply expected to approve the measures of the government since its adjournment last November. President Campero seems to be established firmer in his seat than ever, and his policy of quietly strengthening the army, drilling and equipping it, and of getting the national guard ready for active service, if necessary, seems to meet the approval of the country, based as this policy is upon the expressed will of the people to resist any invasion Chili might contemplate.

Meanwhile, the visit of President Piérola to La Paz has strengthened the alliance between Peru and Bolivia, and I do not believe that one will make peace without the co-operation and approval of the other. Nobody here so far acknowledges the government of García Calderon at Lima while it is upheld by Chilian bayonets. While an invasion from Chili in the near future is entirely improbable, as Chilian soldiers could never endure an Andean winter, and so no immediate fighting is expected, it is still hoped here that our government may be pleased to put an end to the war, and in the interest of commerce, humanity, republican institutions, and American traditions and ideas may compel Chili, if necessary, to grant to Peru and Bolivia honorable terms of peace, instead of holding both countries by the throat, so to speak, by demanding continuous contributions and excluding them from all commerce on the sea.

Inasmuch as under these circumstances my presence here can be spared, and unless next mail brings me orders to the contrary, I shall

leave here on the 15th instant en route to the United States, and I may expect to reach New York on the steamer following the one which brings this dispatch, and shall report in person at Washington immediately after my arrival.

I have, &c.,

CHARLES ADAMS.

No. 52.

Mr. Blaine to Mr. Nuñez del Prado.

DEPARTMENT OF STATE,
Washington, June 14, 1881.

SIR: I have the honor to acknowledge the receipt of your excellency's note of February 1 last, setting forth the reasons which animate and control the Government of Bolivia in resisting to the last extremity the encroachments of the Chilian Government.

The people of this country have watched, not without the deepest interest, the continued struggle between the three nations on the Pacific, whose institutions and forms of government are allied to their own, in the sincere hope that the differences of whatever nature which engendered the present conflict might be amicably and satisfactorily adjusted, and the perpetuity and prosperity of those republics guaranteed.

Still cherishing this confident hope, I bid you accept, sir, in the name of the Government and people of the United States the assurances of my highest consideration.

JAMES G. BLAINE.

No. 53.

Mr. Adams to Mr. Blaine.

NEW YORK, *November* 8, 1881.
(Received Nov. 15.)

MY DEAR MR. SECRETARY: I fear that it will be almost impossible for me to have another interview with you in relation to South American and Bolivia affairs, as to-morrow will be my last day before I sail, and you are occupied with so many important affairs, but before I go I would ask you if only in a brief memorandum to outline for me a course of action which I would think you and the government would approve.

I can assure you that Bolivia perhaps to-day is a stronger factor in the war with Chili than Peru, and that it only awaits my return and what word I bring with me from you as to the intentions of this government towards the belligerents to shape its actions for the future.

You are aware that the last Congress of Bolivia resolved to ignore any government in Peru until it was firmly established and recognized, and I suppose that any instructions I may receive and bring to President Campero will influence him and the government as to what course he will pursue; at any rate, whatever your policy may be, will, I am sure, be almost considered a command, for, in accordance with the Monroe doctrine, Bolivia will not call in the assistance of any other nation as long

as it may be assured of the sympathy of ours and the rejection on your part of the lust of conquest so clearly shown by Chili.

On that point I should desire some instructions, and I would ask to be allowed to take them with me, not only for Bolivia's sake but for my own, so that I may be prepared to act with discretion and decision in case of emergency.

Hoping that you will not let me depart without this, and if possible to grant me another interview,

I have, &c.,

CHARLES ADAMS.

2.—CHILI.

No. 54.

Mr. Osborn to Mr. Evarts.

No 83.] LÉGATION OF THE UNITED STATES,
Santiago, Chili, February 20, 1879. (Received March 26.)

SIR: Chili is involved in another dispute concerning her boundaries. It is with Bolivia now, and concerns the territory on the Pacific coast lying between the 23d and 25th degrees of latitude. Prior to 1866, jurisdiction over this territory was claimed by both of these governments, but on December 9 of that year they promulgated a treaty which had for its purpose a settlementof the dispute. In substance, the treaty provided that the 24th degree should constitute the line of division, but that all guano deposits within the territory prior thereto in dispute, as also all duties which might be derived from the exportation of minerals therefrom should be equally divided between the two countries. It soon became evident, however, that the treaty had failed to accomplish the purpose for which it was intended, and on the 6th of August, 1874, they celebrated another.

In this the 24th degree was reasserted as the line of division, and each government relinquished its right, within the jurisdiction of the other, to duties arising from exportation of minerals. They agreed, also, that within the hitherto disputed territory neither government should, for the term of twenty-five years, impose upon the exportation of minerals a higher duty than was then provided for, and that neither government should, within said territory, tax the citizens, industries, or capital of the other, of whatever character, in excess of that then fixed by law.

The country referred to as the disputed territory is in the heart of what is known as the desert of Atacama, and was regarded, until about the time of the execution of the first treaty, except for the deposit of guano at Majillones, its northern boundary, as of little or no value. The discovery of vast nitrate deposits about that time, however, in that

part of the territory set apart to Bolivia by the treaty soon brought it into prominent notice, and companies were organized for the purpose of developing that industry. The business seems to have been monopolized by a corporation known as "El Compañia de Salitres y Ferrocarril de Antofagasta," a company composed mainly of gentlemen of means, citizens of Chili. It is claimed in behalf of the company that it had full authority from the Bolivian Government for the prosecution of its business, and that it relied upon the good faith of Bolivia in making its investments. It is claimed that its investments now exceed $4,000,000. It has constructed a railroad 40 miles into the interior, running through the nitrate deposits, and Antofagasta, the shipping point for the nitrate, and the location of the principal works, has developed into a city of nearly 10,000 people.

In February of last year the Bolivian Congress enacted a law exacting a tax of ten cents a quintal on all exportations of nitrate, and from this has arisen the present difficulty with Chili. The Chilian Government promptly protested against the execution of this law, claiming that it was in direct conflict with the guarantees of the treaty of 1874. The law was allowed to remain dormant for several months, but no action was taken looking to its revocation.

A short time since, however, the Bolivian authorities notified the company at Antofagasta that the law was to be executed, and that the amount which was due from it on account of shipments made since the passage of the law was something in excess of $90,000. The Chilian Government protested anew, and caused Bolivia to be informed that if she insisted upon executing the law Chili would regard the treaty as abrogated, and would proceed to assert her right of dominion to the territory claimed by her prior to 1866. Notwithstanding this threat the works at Antofagasta were levied upon and notice was given that they would be sold; whereupon, on the 12th instant, the Chilian minister at La Paz was instructed by telegraph to demand his passport, and forces were immediately forwarded by water with instructions to take possession of the territory on the coast as far north as the 23d degree of latitude. On the 14th the Chilian forces occupied Antofagasta without firing a gun, and the disputed territory is all now held by Chilian troops.

The course of the government here meets with a hearty approval from all classes. The movement was an exceedingly popular one. It is doubtful, indeed, if the administration could have taken another course and sustained itself. There is much anxiety concerning the course which Peru is likely to take. That her people strongly sympathize with Bolivia in this affair is undoubtedly true, and it is feared by some that the government may be driven into an alliance with Bolivia. I think the fear is well grounded.

The Chili Government is endeavoring to prepare itself for any emergency. The naval force has all been sent to the north and troops are being forwarded as rapidly as possible.

It is understood that Congress will be convened in extraordinary session about the 10th of March.

I forward you by this mail a copy of a pamphlet entitled the "New question of Chile with Bolivia," which was sent to me from the foreign office. Also a copy of the "Diario Official," which contains a sort of manifesto from the government under the head of "El Conflicto con Bolivia."

I have, &c.,

THOMAS A. OSBORN.

No. 55.

Mr. Osborn to Mr. Evarts.

No. 86.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 3, 1879. (Received May 8.)

SIR: Following the events related in my dispatch No. 83 came the proclamation of the President of Bolivia, on the 1st of March, declaring war against Chili, and providing for the confiscation of the property of Chilians. Upon the receipt of this proclamation here, the Chilian land forces were ordered to advance upon Calama, and the naval force was directed to occupy Cobija and Tocopilla. The two latter places are the only Bolivian ports north of the 23d degree, and the former is a town of about five hundred people, in the valley of the Loa, some hundred miles from Antofagasta, and is supposed to have some strategic importance.

The two ports were taken possession of without trouble, but the secretary of war, who was in the vicinity, reports that at Calama the Chili troops were seriously resisted.

A number were killed on both sides, but the Chilians triumphed, and the Bolivians who were not killed were taken prisoners. I judge, however, that there were not more than five hundred men engaged, all told. This is the only engagement of which advices have been received here.

Peru is giving the government and people here much more concern just now than is Bolivia.

Soon after the taking of Antofagasta the Government of Peru sent here an ambassador extraordinary, Señor Lavalle, with instructions to tender the good offices of his government in the settlement of the dispute with Bolivia, and to urge, earnestly, an amicable arrangement. Señor Lavalle was kindly received by the government, but among the people there has been an almost universal expression of displeasure at his coming. From day to day the newspapers have been filled with reports from the north tending to show that Peru is preparing herself for a struggle with her rival, and charges have been freely made that the ambassador was sent here merely for delay, to enable his government to prepare itself for the contest. This idea has taken a strong hold upon the public mind, whether there be foundation for it or not.

I was invited to an interview with the minister of foreign relations, and attended for that purpose at his official quarters, on the 29th ultimo. Among other things he informed me that Chili was not satisfied with the attitude of Peru, and that Mr. Godoy, their minister at Lima, under instructions from his government, had demanded an answer from the Peruvian Government as to its purpose in the dispute between Chili and Bolivia. The answer was not, he said, satisfactory. In it was embodied an acknowledgment that there had existed for several years a secret alliance between Peru and Bolivia, the effect of which would be to force Peru into the conflict against Chili.

I told Mr. Fierro, the foreign minister, that I was sure that my government would be exceedingly sorry to hear of a war between these countries, and I urged him to neglect no opportunity to settle the dispute amicably. In response to a suggestion from him, I remarked that I did not doubt that the United States Government would cheerfully lend its efforts to an amicable arrangement of the difficulties if the governments engaged in the controversy should request it to do so, but that I trusted that they would be able to arrange it among themselves.

From the manner of the minister rather than the matter of his con-

versation, I discovered that he felt much interested in the response, and it would not surprise me to learn that an effort was being made to induce these countries to join in a request to the United States to assist them in the settlement of their dispute.

However his language concerning the reply of Peru to Mr. Godoy led me to believe that war was almost certain to follow.

I had informed the minister some time previous of my intention to avail myself at a convenient time of the privilege granted me by my government to visit the United States, and he now expressed a very earnest wish, in behalf of his government, that pending these difficulties I should remain in Chili. He seemed satisfied with my answer.

Minister Lavalle is still in Santiago, and it is barely possible that Peru may yet remain out of the conflict. I don't regard it as probable, however.

Neither of the countries is prepared for war, and where the money is to come from is more than I can tell. The probable condition of their credit at its close does not present so difficult a problem.

The navies of Peru and Chili are about equal in point of strength, and there cannot be much difference in their land forces. The Chilian army, the minister informs me, consists of nine thousand men, with a reserve force, called national guards, of fifteen thousand more. The national guards are, I judge, not unlike our State militia.

The minister informed me that the Chilian legation in Washington was about to be supplied with a minister, and that that post would be filled by Don F. L. Asta-Buruaga. Mr. Asta-Buruaga formerly represented Chili at Washington in the same capacity. He has a high regard for our country, and I look upon his selection as a fit one. He will probably leave for the United States next week.

I enclose some slips cut from an English paper containing an article translated from the "Diario Official" of Santiago, upon the "Desert of Atacama and its resources." The article will repay perusal.*

I have, &c.,

THOMAS A. OSBORN.

No. 56.

Mr. Osborn to Mr. Evarts.

No. 88.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 4, 1879. (Received May 8.)

SIR: I have but just time before the closing of the mail to say that the friendly relations between Chili and Peru have been broken off. The Peruvian special envoy received his passports last night, and soon after left on a special train for his home. To-day it is officially announced that the amity and friendship heretofore existing between these countries is at an end. The Official Gazette promises to-morrow a "Memorandum" of the causes which have brought about this unfortunate result. Suffice it to say that the grievance of Chili is the alleged secret alliance between Peru and Bolivia, and the apparant preparation making by Peru for war.

Congress has conferred upon the President extraordinary powers. He is authorized to increase the army without limit.

I have, &c.,

THOMAS A. OSBORN.

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* The inclosure is long and will be found printed in Foreign Relations, 1879, p. 162.

No. 57.

Mr. Osborn to Mr. Evarts.

No. 89.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 10, 1879. (Received May 16.)

SIR: As will be seen from the inclosed translation of a note received by me from the minister of foreign relations, war was formally declared against Peru on the 5th instant, and on the same day the port of Iquique was placed in blockade by the Chilian squadron.

The government promises a statement of the reasons for its action, for the information of friendly governments, in a few days. Awaiting it, I inclose a slip from a newspaper containing the "memorandum," published in the "Official Gazette" simultaneously with the declaration of war.

The army is being rapidly increased, and there is apparently no abatement in the enthusiasm.

Iquique is the great niter depot of Peru, and is situated about midway in the province of Tarapacá, from north to south. This province extends to the Bolivian frontier on the north, and is supposed to contain almost inexhaustible wealth in its niter and guano deposits. If Chili succeeds in getting possession of Tarapacá, she will, I judge, insist upon holding it. An intelligent gentlemen with whom I have conversed upon the subject, and who formerly lived in Tarapacá, estimates the value of its niter deposits alone at four hundred millions of dollars.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 89.—Translation.]

Mr. Fierro to Mr. Osborn.

REPUBLIC OF CHILI, MINISTRY OF FOREIGN RELATIONS,
Santiago, April 9, 1879.

SEÑOR: I have the honor to inform you, pursuant to special orders received from his excellency the President of the Republic, that on the 5th instant war was declared against the Government of Peru.

The reasons which obliged my government to take that hard but necessary resolution will be in a short time communicated to you.

At the same time it becomes my duty to announce to you that on the date above indicated the maritime forces of Chili placed in blockade the port of Iquique.

In requesting that you will please place these facts within the knowledge of your government, it affords me pleasure to offer to you the assurances of high consideration with which,

I am, &c.,

ALEJANDRO FIERRO.

No. 58.

Mr. Osborn to Mr. Evarts.

No. 92.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 19, 1879. (Received May 27.)

SIR: By this mail I have the honor to forward a copy of the manifesto of the Chilian Government, addressed to friendly nations, in justification of the declaration of war against Peru, in Spanish, as also a copy of the Chilian Times, containing a translation of the same in English.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in dispatch No. 92.]

MANIFESTO OF THE CHILIAN GOVERNMENT TO THE REPRESENTATIVES OF FRIENDLY POWERS, WITH REFERENCE TO THE DECLARATION OF WAR AGAINST PERU.

[Translated from the Diario Oficial.]

MINISTRY OF FOREIGN AFFAIRS,
Santiago, April 12, 1879.

Mr. MINISTER: Annexed to the present note you will find a copy of the official gazette of Chili, from which you will learn the authority conferred on my government by the high authorities of the state to declare war against Peru, and conduct it to an end by all the means recognized by the rights of nations, and with all the resources at the disposal of the country.

By order of his excellency the President of the republic, I fulfill the duty of informing you of the grave causes that have led to the formation of this unavoidable though lamentable resolution, which breaks old ties that Chili has always endeavored to strengthen.

The government, in whose name I have the honor of speaking, flatters itself with the hope that the calm judgment of that represented by your excellency will duly appreciate the conduct that Chili has observed in this emergency—as foreign to her character and tradition as contrary to her dearest interests.

The especial characteristic of this country, the constant tendency of its foreign policy, and even its social and economic necessities, have withdrawn it from all spirit of adventure, and have stimulated it to maintain the most friendly relations with all nations. Chili lives by peace and industry; requires as a prime element of its prosperity, foreign immigration; and possessing a vast territory only partially fertilized by the rude labor of its sons, requires more than any people foreign and internal tranquillity.

The latter has been obtained, thanks to the frank adoption of a system by which all the public powers emanate from the national vote; and clearly is it proved, by the history of many years, that it has always endeavored to avoid conflict with foreign nations. The republic can show with legitimate pride that it has never been sparing of its blood or resources whenever it has been embarked in a noble cause, and much less when to it have been united the interests of this continent; but it can also declare with no less satisfaction that, though always ready to defend outraged rights, it has systematically avoided all provocation, even under circumstances that would have authorized it. Only a few months ago it has given a new proof of the traditional character of its policy, by submitting to the honorable solution of arbitration an old and vexed question it sustained against a neighboring power, although it had to yield to the uncertainty of a sentence, rights to which the national sentiment attached great importance. From this it will be easy for your excellency to deduce that Chili, in forgetting its historic conduct and the necessities of its situation, has done so only by the irresistible force of evident justice and in obedience to the clearest demands on its dignity.

My government very recently complied with its duty in manifesting to those with whom it has the pleasure to maintain cordial relations, the circumstances which obliged it to declare at an end the treaty existing with Bolivia, and to occupy the territory lying between parallels 23 and 24 S. lat.

Subsequently, and without previous declaration of war, the President of Bolivia issued a decree emanating from his single will, by which he expelled Chilian citizens from that state, confiscated their property, and sequestrated the products of the industry and capital of this country.

It is unnecessary to recapitulate the bonds uniting the two nations, confirmed by solemn treaties, never respected by our neighbors; unnecessary to repeat that since 1866 till the occupation of Antofagasta on February 14 of this year, my government, by a series of concessions more or less valuable, had arrived at the last sacrifice in order to maintain peace.

If Chili has been forced into war, it is not through its own act, but is the unavoidable consequence of the extraordinary conduct observed by the government of La Paz. This, on one hand, declined to fulfill the treaty of 1874, in virtue of which, and by whose sole title, it occupied conditionally the territory whose possession was transferred by the treaty mentioned. On the other it refused the honorable resource of arbitration, pretending to constitute itself absolute judge of the interpretation and practical application of the rights and duties established by the mutual sanction of both nations.

From whatever point of view the severest impartiality may consider the irregular proceedings of the Bolivian authorities, we feel convinced that the friendly powers whose opinion we so much esteem will recognize, in homage to the strictest justice, that the situation imposed on Chili by a will not its own, indicated one sole course as possible in protection of its decorum.

My government nevertheless, in spite of antecedents that perhaps should have indicated a different course, wished to limit itself to pointing out the natural consequences of the rupture of the treaty of 1874. If it be undeniable that before the treaty of 1866 the territory comprised between parallels 23 and 24 belonged to Chili by right and by the constant exercise of veritable possession; if it be true that it was ceded to Bolivia by the treaty of 1874 on the emphatic condition that no new taxes should be levied on Chilian industry and capital; and if, in fine, it is the melancholy truth, proved by public documents of the Bolivian Government, that it, turning a deaf ear to all remonstrance, ceased in truth to impose taxation, but rendered illusory the right of property recognized by its own laws—it was necessary on the part of Chili to replace things in the state in which they stood before the extraordinary violation of the treaty mentioned.

This violent act of Bolivia was necessarily followed by the occupation of the consideration ceded, on the ground of nonfulfillment of the conditions. This sufficiently explains the landing of our troops at Antofagasta, so that in attributing to this the character of a belligerent act, the antecedents of the conflict are deliberately disregarded. In order to avoid the occupation, Bolivia possessed the means open to the commonest honesty—viz, promising to respect the treaty of 1874. This would have been the course of a civilized nation, for no reasoning, no protest, can defend the unjust sentence Bolivia claimed to give in the question; to retain the territory it owed to the liberality of Chili, and at the same time to break the fundamental condition of the concession.

It is painful, but at the same time indispensable, to bring to the memory of friendly powers another evident reason that my government could have wished not to reveal, out of respect to a state of the same origin. Official documents, and still more, the private history of Chilian industry on the coast between 23° and 24° S. lat., are witnesses that cannot be refuted to the fact that since 1866 to the date of the occupation of Antofagasta, the Bolivian Government appears to have conceived, organized, and put in practice an inflexible system of persecution against the development of Chilian enterprises which have been the only origin and the principal element of the wealth of that locality, never suspected and never stimulated by the private industry or national protection of Bolivia.

The capital of this republic, and that developed under the protection of our laws without distinction of nationality, being embarked in costly speculations, my government could not view with indifference the adoption by Bolivia of special measures tending to place Chilians in an exceptional situation. Soon after the treaty of 1866, and then after that of 1874, the painful certainty was realized that in Bolivia no idea existed of individual guarantees. Taxes were imposed under the pretext of municipal rates; disgraceful punishments were inflicted by the authorities on citizens of this republic; and finally, a Chilian enterprise for the working of nitrate beds, authorized by the Bolivian Government, afforded a pretext for a law irreconcilable with the most essential stipulation of the treaty of 1874.

My government could not and ought not abandon its citizens to the caprice of that of Bolivia, and less to the discretion of its subalterns; and the official documents inserted in the reports of the ministry of foreign affairs since 1866 render unnecessary any additional proof that since then till now it has been impossible to restrain the action of the Bolivian authorities.

These precedents showed sufficiently that the occupation of Antofagasta was urgently required, through the violation of the treaty; and my government found itself under the necessity of ordering it, for the protection of interests and persons threatened by measures which respected no rights whatever.

The occupation effected on February 14 could not be considered as a declaration of war, and still less as a threat on the part of my government against the sovereignty of Bolivia. Nor was it reasonable to suppose that the cabinet of Santiago intended to modify the geographical limits of the neighboring nations. In this conflict, which never would have arisen if even a show of respect had been evinced for the spirit and letter of treaties, what this republic has aimed at from the beginning, with the greatest frankness, was to defend its national rights and protect private property. Before 1866 we possessed effectively up to the parallel 23. By the treaty of that year we accepted the exploitation in common up to parallel 25; and subsequently we fixed the limits of Chili at 24°, on condition of the neighboring republic leaving our industry free from any new exaction.

The situation of the two republics seemed to be clear enough. Chili renounced its effective possession up to lat. 23° S.; Bolivia ceded its fantastic pretentions up to lat. 24°; and both countries, respecting the fact that Antofagasta, Mejillones, Caracoles, and Salinas were of Chilian creation, agreed to guarantee the freedom of the industries established in those regions. This undoubtedly imported an immense sacrifice to Chili, considering that she not only ceded to Bolivia a territory in dispute, but also a large area over which her title could not have been questioned for a moment.

The antecedents of the treaty of 1866, and the negotiations which resulted in that

of 1874 are the most evident proofs that Chili, far from desiring the extension of its limits recognized under the colonial *régime*, only sought an arrangement that permitted the untrammeled exercise of Chilian industry, notwithstanding the appropriation by Bolivia of the territory that we possessed.

It is unnecessary to dwell upon the right of a sovereign state to claim from another with which it contracted the fulfillment of its stipulations, and the no less indisputable faculty to employ the means of enforcement which the law of nations has placed in use. Although the proceeding of my government was open to no objection, considering that the conflict with Bolivia in no way affected Peru, we wished to give the latter a proof of our friendship by informing it fully of whatever transpired, calling previously its attention to the necessary results of a groundless complication.

The Lima cabinet knew, therefore, everything concerning the negotiations at La Paz; it could appreciate the tenacious resistance opposed to the conciliatory proposals of our chancellery; and it also knew that such proposals were replied to by unheard-of acts of violent spoliation. In spite of this, that cabinet, so zealous for the peace of America, which has assumed at the eleventh hour the charge of Bolivia, could find then—when an opportunity offered for it to fulfill its duty—not a single word nor course whatever to avert a conflict in which it may now be said Peru represented a secret *rôle* by no means in conformity with its much-talked-of highmindedness.

It was our duty then to confide in the loyalty of Peru; still more, we had the right to demand it, either on the ground of a sincere friendship, or as a slight return for the blood of our citizens and our treasure spent in giving that country a nationality, and defending it at the price of our own ruin.

It was natural for us to give faith to the professions of netrality which the Peruvian Government transmitted to us through our plenipotentiary; and to consider as friendly the intimation given us by that cabinet, that until war was declared it must permit the passage of Bolivian troops through its territory, in virtue of a previous treaty.

There were, however, various antecedents which contradicted in a great measure the declarations that now we may stigmatize as insidious, with full knowledge of the circumstances. The President of Peru did not hesitate to express his fears for the pressure that might be brought to bear in an opposite sense by a reckless popular opinion. He hinted at the not improbable event of the action of the authorities being interfered with, and recognized the influence of certain circles whose disaffection to Chili is only founded on the childish jealousy with which our prosperity is regarded.

This caused my government to observe an attitude of vigilant expectation. According to the rules regulating the relations of friendly powers, it would have been rash to provoke a definitive situation; but according to the claims of our own responsibility and dignity, we were bound to prepare for any emergency.

This explains the reception accorded to the extraordinary legation from Peru which arrived at Santiago at the beginning of March, with words of peace and conciliation.

The nature of the complication with Bolivia did not exclude the possibility of some arrangement, as it was not our desire to make war unnecessarily. My government, however, believed that all mediation under the then circumstances was inopportune; that it had even been so when on a previous occasion it had been offered by the chargé d'affaires of Peru; and that the cabinet of Lima had lost the occasion of interposing its friendly offices, even if it had at any time professed them.

When the government of La Paz showed itself deaf to all remonstrance; when its only argument was decrees violatory of the treaty of 1874; when it replied to pacific indications by the enforcement of the law of 1878, which implicitly abrogated its recent pledges to Chili; then, indeed, mediation would have been practicable, supposing that Peru had possessed the real character of an honorable mutual friend.

Believing firmly that mediation for the moment was groundless, my government yet considered that such belief was not incompatible with hearing the ideas of the Peruvian Government, transmitted by its representative, Don José Antonio de Lavalle. At the preliminary conference held by the undersigned with Señor Lavalle, it appeared that the object of the mission was to exchange ideas and make general observations on the Chilino-Bolivian question. As then the belief became more pronounced in the existence of a secret treaty of alliance, concluded in the year 1873 between Peru and Bolivia, it seemed advisable to interrogate Señor Lavalle concerning an event of such importance; and as at the same time an unusual activity was observable in the army and navy of Peru, explanations were demanded as to the signification and object of such preparations.

Señor Lavalle gave the following reply:

"That he had no knowledge of the treaty alluded to; that he believed it had no "existence; that it could not have been approved by the Congress of 1873, because the "legislature being biennial till the constitutional reform of 1878, that assembly did not "meet in that year; and that he was sure it was not approved on the following years, "during which he had the honor of presiding over the diplomatic committee of Con-

"gress, at which such negotiation would necessarily have had to be discussed. But "nevertheless, as since his arrival in Chili he had heard the existence of this treaty "spoken of, he had asked instructions from his government, which he would commu- "nicate immediately they were received."

Respecting the belligerent attitude which Peru commenced to assume, its representative attributed it to the special condition of its territory, and to the necessity of preventing its violation by the operations of the belligerents, which it was reasonable to anticipate, as the Bolivians had invaded it even in the cases of internal commotion.

These explanations were not tranquilizing, because they were not conclusive, and confirmed my government in the conviction that it would be necessary to resolve so equivocal a situation before the cabinet of Lima itself; and even without knowing its antecedents, instructions were sent at the first moment to our minister at that capital, to ask for a prompt declaration of neutrality.

The cabinet of Lima, as I have already had the honor of stating to your excellency, declared to our representative in verbal conference that it would be neutral in the conflict with Bolivia, and that such resolution would remain in suspense until the declaration of war were notified to it.

On March 14 our minister in Lima announced to my government that the chargé d'affaires of Bolivia had made known to the diplomatic corps there resident that his country was at war with Chili, and on the same day orders were sent Señor Godoy to demand the declaration of neutrality. It was asked for in moderate terms on the 17th of the same month, and the Peruvian chancellery, replying on the 21st, referred to instructions that would be transmitted to its envoy extraordinary in Chili, without explaining the reasons which induced it to delay the solution of a legitimate right which gave no margin for further explanations. The disloyal evasion of Peru was unacceptable even to the least suspicious judgment, and for this reason my government informed Señor Godoy on the same day that it did not admit of such a tardy course being adopted; that it insisted on claiming its right in Lima itself; and that it now not only asked Peru to define its attitude, but demanded a frank explanation as to the object of its armament, and substantial guarantees for the future, in the event of any probable contingency.

Such a demand was fully justified. The extraordinary mission of Señor Lavalle, at such a critical moment, only served to satisfy us as to his ignorance of subjects of immense importance; and at the same time the Government of Lima had to be reminded that it had confessed itself impotent to fulfill its duty, and that an explosion of hate as profound as unreasonable against this republic had burst forth among the people of the pretended mediator.

The moment had therefore arrived to dissipate all doubt. My government, sensible of the responsibility weighing upon it, and being aware of the extent of the right of self-defense before an ill-defined neutrality that was arming in every haste, did not hesitate to give its demands the pressing nature that the gravity of the situation demanded.

On the said 21st of March Señor Godoy communicated to my government the result of that step, but the defective telegraphic transmission necessitated the rectification of the dispatch, which from various causes could not be effected before the night of the 24th. His note had not been replied to in writing, but in verbal conference he was given clearly to understand by the Government of Peru that it was impossible for it to assume a neutral attitude, owing to the existence of a treaty of alliance with Bolivia. In spite of the importance of this declaration, that government insisted on Chili abiding by the explanations of the Peruvian envoy; and exhibited, with an impassiveness at variance with the simplest demands of honor, the desire of postponing the solution of the problem.

Notwithstanding, my government, obedient to the respect which it has always professed toward the opinions of other nations, and desirous of avoiding the reproach of hastiness by the omission of any essential requisite to establish clearly the situation of Peru, endeavored to obtain explicit and exact explanations.

On the said 24th of March peremptory instructions were sent to our minister at Lima. According to them he was to insist that the question of neutrality should not be discussed in Chili; that we demanded the immediate and guaranteed suspension of the armament, and the production of the secrect treaty, inquiring if it was approved in due form, and if Peru was disposed to abrogate it immediately and give us the requisite explanations for having negotiated in secret, while on terms of friendship with us, a treaty showing want of confidence in and even of hostility toward Chili.

Such were our last demands and their just foundations. Our representative in Lima, putting them into prompt execution, conferred verbally with the head of the Peruvian Government and the members of his cabinet.

The result of those conferences was the following declarations, which suffice without any comment to show the international policy of a government allied till then

with us by a treaty of friendship offered by Chili when the ancient masters of Peru imposed on it a humiliating vassalage.

The cabinet of Lima, without a tinge of shame, undeterred by recent events, without even the frankness which occasionally excuses great faults, tranquilly answered our minister:

1. That it would not declare nor assume an attitude of neutrality, though with an incomprehensible logic it offered, nevertheless, on its already violated word, to suspend its warlike preparations.

2. That the secret treaty with Bolivia—a shameful net spread for our friendship—was duly completed for a long time past.

3. That that treaty, whose hidden existence was the best proof of its bastard nature, had to be kept secret, in accordance with one of its articles, calculated cunningly against the friend of many years, the ally in trouble, the savior in the two great crises of the nation, that with such a monument testified its gratitude; and

4. That a copy of this singular treaty had been remitted to Señor Lavalle; but on the understanding that it should only be read to us, doubtless to satisfy our curiosity to know a negotiation whose like can scarcely be found in the darkest records of diplomacy.

It is not surprising that the cabinet of Lima had the assurance to insist, with all the appearance of seriousness, on the possibility of the continuance of the pending negotiations.

If all this was not war, such as it is understood by civilized nations, it signified the same thing, under the transparent disguise of a mediator who assumed the double part of a friend when he was an interested belligerent.

The secret treaty of February 6, 1873, needs no lengthy examination to ascertain its object; and the reserve in which it has been maintained confirms in the least suspicious mind the conviction that it was entered into solely as a means of security for the fiscal egotism of Peru in its pecuniary troubles and to aid the schemes of the Government of Bolivia, a perpetual conspirator against the treaty of 1866. In 1873, neither Peru nor Bolivia was threatened by the remotest danger of territorial dismemberment; and much less could it be foreseen that Chili cherished such idea, seeing that it had granted to Bolivia whatever that republic demanded in the convention of 1866—applauded by the Bolivian people as a splendid manifestation of Chilian generosity.

The treaty of 1873 owed its origin—hidden as a shameful act—to the measures adopted by Peru at that epoch to justify one of the most audacious and cruel spoilations witnessed by countries submitted to a *régime* of common respect toward the industry of all nations.

Peru desired to monopolize and appropriate the nitrate works; and in order to sustain its daily diminishing credit, adopted the supreme measure of ruining an industry to satisfy a fiscal voracity that could not satisfy itself with the ordinary resources of a country that has lived, thanks to its territorial wealth, in complete obliviousness of economy and labor.

Your excellency cannot be ignorant of the situation of these three republics in February, 1873; and in fact only by the cause I have just indicated can be explained the existence of the treaty of that year, entered into in prevision of acts that nobody threatened to realize; that could not be realized while the treaty of 1866 existed; and when in no case was it possible to anticipate that Chili or any other nation would threaten the integrity of Bolivian territory, or the never-disputed sovereignty of Peru within its recognized limits.

It is evident that Peru sought in the treaty of 1873 to protect the financial measures it meditated against an industry that in any commonly scrupulous country would have had the right to develop itself freely. What it desired was to strengthen the nitrate monopoly without considering the sums invested in that industry; for in vain are antecedents of any kind scraped up to justify the belief, not probable, but even possible, of any aggression against the independence or dominion of the contracting powers.

Knowing the respective situation of these countries, the secret treaty of which I have spoken was either wholly useless, or it possessed an ulterior design that events have shown to be the real one. Neither Bolivia nor Peru could fear the perturbation of their sovereignty by any of the surrounding nations; so that the alliance is explainable by much less elevated motives, and which decidedly were intended to embarrass the action of my government in exacting the due fulfillment of the treaty we had celebrated with Bolivia, and provide against the consequences of the indignant clamor of Chilian citizens, despoiled by the despotic hand of the monopoly established in Tarapacá.

As a last analysis, the Peru-Bolivian convention was for Peru the cold calculation of a trader; and for Bolivia a vote of indemnity which covered the previous violations and future infractions of the agreement of 1866. The monopolizing interest of the former republic and the international ill faith of the second found their faithful

expression in that document, whose celebrity will be as lasting as the condemnation which the honest conscience of every civilized people will attach to it.

And this, you excellency will observe as an orignal lesson of diplomatic loyalty, was on the eve of adjusting the treaty of 1874, when Chili, without necessity, and only in homage to peace, being able to exact the fulfillment of the treaty of 1866, agreed to renounce its recognized right to the territory between 24° and 23°.

There is even yet something more worthy of observation. Article 3 of the secret convention reserves to each party the qualification of the *casus fœderis*. The 8th establishes, as a solemn pledge, to avert war as far as possible, employing conciliatory means to avoid a rupture, and among them arbitration.

Peru therefore possessed the fullest liberty of action for deciding if the time for an alliance had arrived. It could and ought to have considered the object and character of the operations undertaken by my government; and more than one opportunity presented itself for offering its mediation, when it assisted as a mute witness to the negotiations whose logical results it could not otherwise than forsee. It is not therefore unwarranted to impute to the cabinet of Lima the deliberate intention, formed long before, of assuming the character of a belligerent. For this reason it manifested a decided inclination for neutrality even whilst it armed with unusual rapidity; for this it sent us a legation which claimed to be without instructions on the cardinal points of its mission; for this, whilst it delayed the replies asked by our representative, it sent urgent orders to Europe for new war material.

All this would merit, on the part of any power disinterested in the conflict, qualifications too severe for my government to repeat here out of respect for that of your excellency. The nations whose worthy representatives I have the honor to address will observe by the accompanying documents, that even accepting as obligatory the secret treaty of 1873, the Peruvian Government was free from any pledge. That of Bolivia refused the arbitration referred to in article 8 of the secret treaty, as it did in the treaties celebrated with Chili; and the *casus fœderis* had not occurred, inasmuch as Chili stated, and repeated frequently, that it did not intend to conquer a hand's breadth of Bolivian territory. Peru not only could but should observe the strictest neutrality, even observing the secret stipulations binding it with Bolivia; because these are founded on the existence of a threat against territorial integrity, which was never thought of on our part; and because they also fix as an indispensable precedent to the *casus fœderis* the previous recourse to arbitration.

The explanations given by Señor Lavalle, far from attenuating, strengthened more clearly, if that be possible, the terminant spirit of the treaty of 1873. How accept the trifling excuse that it contained a generic stipulation, not directed at Chili, whilst it is carefully hidden from her knowledge? If the treaty meant a general guarantee against any advance of a foreign power, why was the co-operation of Chili not sought, which has given more than one example of being the first to contribute, with its men, and its wealth, toward the maintenance of the sovereignty of nations of a common origin?

It was still more inconceivable that Peru should inform us by its envoy that the reserve of the treaty arose from one of its conditions, fearing our susceptibilities might be wounded if it proceeded to act as mediator while informing us of its relations with one of the belligerents.

To discuss such allegations would be merely to tire your patience, and is doubly unnecessary, inasmuch as Peru from the beginning of the conflict has done everything in its power to elude any explanation relating to the secret treaty.

My government needed no extraordinary effort to ascertain, from the acts and declarations related, what was the position that Peru preferred to assume, what were the rights, and, more than all, what were the duties that were consequently imposed.

The mediator offered himself, backed by an army, whose rapid reunion testified to the prevision of proximate conflicts, manned his navy, and, whilst uncertainly stammering words of impartiality, allowed to transpire the engagement of a belligerent duly sealed.

It was Peru which, if it did not declare war first, with the frankness of a noble resolution, commenced it first; and, what is worse, a war hidden and sheltered under false protestations of friendship.

Chili has never forgotten the course marked out by the patriotism of its sons, the energy strengthened by the conviction of violated justice, and its historic name among civilized nations. It is Peru that has plotted and desired war; let Peru, therefore, be charged with the responsibility, whilst Chili delivers its future to the protection of God, to the stout hearts of its citizens, and to the just opinion of enlightened nations.

I have, &c.,

ALEJANDRO FIERRO.

No. 59.

Mr. Osborn to Mr. Evarts.

No. 98.] LEGATION OF THE UNITED STATES,
Santiago, Chili, May 10, 1879. (Received June 16.)

SIR: I herewith inclose an English translation of the secret treaty between Peru and Bolivia, of which I have heretofore written. It will be observed that the alliance is a defensive one, each agreeing to defend the other from all foreign aggression. While the treaty is general in its terms there can be no doubt that its purpose was to consolidate the remaining South American Republics against Chili. Article 4, it will be seen, provides for the extension of the alliance to one or more of these states. I have it from reliable authority that the Argentine Government was some time since urged to become a party to the arrangement.

I also inclose a "map of the theater of the war," first issued here. The 24th degree south has heretofore been the north line of Chili. The territory comprised in the degree lying north of this line is that in dispute between Chili and Bolivia, and the Bolivian jurisdiction extended thence north to the river Loa. The purposes of the Chili Government are, in my judgment, outlined in this map. The plan contemplates an extension of the northern frontier to the river Camerones, and a compromise with Bolivia by guaranteeing to her the possession of the territory on the coast embracing Arica and Tacna. It is believed here very generally that Bolivia would much rather have the territory mentioned than that hitherto possessed by her embracing Antofagasta, and that as soon as a favorable opportunity shall offer she will be found ready to break with her present ally. When it is remembered that the imports and exports of Bolivia nearly all pass through the Peruvian custom-houses at Arica and Mollendo, this faith of the Chilians does not seem extravagantly wild.

The military situation now is about this:

Antofagasta is occupied by about 10,000 Chilian troops. Iquique is occupied by Peruvian troops, about 5,000 strong. This place is still under blockade, and the people and soldiers are suffering much for want of healthy provisions and water. Arica is occupied by a combined army consisting of about 6,000 Bolivians and the same number of Peruvians.

The Chilian campaign seems now to contemplate a movement by the forces at Antofagasta upon Iquique. If they should be successful in this they believe that the time will have arrived for an arrangement with Bolivia. If this should be consummated the new allies would unquestionably have Peru at their feet. President Daza, of Bolivia, is understood to be with his troops in the neighborhood of Arica, and I do not doubt that with the assistance of the Chilian navy he would be able to overcome the Peruvian force there with but little difficulty. It may perhaps be said that this course on the part of Bolivia would be highly dishonorable, and that, therefore, she is not likely to pursue it. She may not, but it will be for other reasons than this if she does not.

I have been disappointed in the faint resistance which Peru has thus far made upon the sea. The Chilian naval force is traversing the Peruvian coast with impunity, destroying the moles and launches in the various ports, and occasionally, by way of diversion, destroying a town.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 98.]

The secret treaty between Peru and Bolivia.

The Peruvian minister of foreign affairs, Señor Manuel Irigoyen, and the envoy extraordinary and minister plenipotentiary of Bolivia, Señor Serapio Reyes Ortiz, having agreed to publish the secret treaty of defensive alliance celebrated between their repective governments on the 6th of February, 1873, in accordance with the terms of the additional article appended to the said treaty, the same has now appeared in print, and the following is a translation:

ADOLFO BALLIVIAN, constitutional President of the Republic of Bolivia:

Inasmuch as, between the republics of Bolivia and Peru, represented by the respective plenipotentiaries, there has been celebrated in the city of Lima on the sixth day of the month of February of the present year the following treaty of defensive alliance:

The republics of Bolivia and Peru, desirous to cement in a solemn manner the bonds that unite them, to increase thus their strength and mutually guarantee one another certain rights, have drawn up the present treaty of defensive alliance, to which end the President of Bolivia has invested with ample powers to conduct the said negotiation, Juan de la Cruz Benevente, envoy extraordinary and minister plenipotentiary in Peru, and the President of Peru has conferred the same upon José de la Riva Aguero, minister of foreign affairs, who have agreed upon the following stipulations:

ARTICLE I. The contracting parties will unite and join to mutually guarantee their independence, sovereignty, and the integrity of their respective territories, binding themselves by the terms of the present treaty to defend themselves against all foreign aggression, whether proceeding from another or other independent states, or from a force without a flag owing obedience to no recognized power.

ART. II. The alliance will become effective to protect the rights expressed in the preceding article, and particularly in cases of offense consisting, first, in acts tending to deprive either of the contracting parties of a portion of their territory, in order to assume dominion over it, or to yield it to another power; second, in acts tending to oblige either of the contracting parties to submit to a protectorate, sale or cession of territory, or to establish over it any superiority, right, or pre-eminence whatsoever, which may injure or offend the full and ample exercise of its sovereignty and independence; third, in acts tending to do away with or change the form of government, the political constitution or the laws that the contracting parties have made, or may in future make, in the exercise of the sovereignty.

ART. III. As both the contracting parties admit that every legitimate act of alliance is based upon justice, for each of them, respectively, the right is established of deciding whether the offense inferred to the other is comprised amongst those mentioned in the preceding article.

ART. IV. The *casus faederis* once declared, the contracting parties bind themselves to cease immediately their relations with the offending state, to hand their passports to its diplomatic ministers, to cancel the appointments of the consular agents, to forbid the importation of its natural and industrial products, and to close their ports against its ships.

ART. V. The same parties will also appoint plenipotentiaries to adjust by protocol the arrangements necessary to determine upon the subsidies, the contingents of either sea or land forces, or the aid of whatever kind that must be lent to the republic which has received the offense, the manner in which the forces are to act and the assistance to be lent, and whatever else may be convenient for the defense. The meeting of the plenipotentiaries will take place in the place assigned by the offended party for that purpose.

ART. VI. The contracting parties bind themselves to provide the one offended with the means of defense of which each may consider it can dispose, though the arrangements pointed out in the preceding article may not have taken place, provided that they consider the case urgent.

ART. VII. The *casus faederis* once declared, the offended party will not be able to make arrangements for peace, truce, or armistice, without the concurrence of the ally who may have taken part in the war.

ART. VIII. The contracting parties bind themselves in addition—

1st. To employ with preference, whenever it is possible, every conciliatory measure in order to avoid a rupture, or to put an end to the war, holding as the most effective the arbitration of a third power.

2d. Not to admit nor accept from any nation or government, protectorate or superiority that may injure and lessen their independence or sovereignty, and not to yield up nor transfer in favor of any nation or government any part whatsoever of their territories excepting in the cases of better demarkation of limits.

3d. Not to celebrate treaties of limits or of other territorial arrangements, without the other contracting party first knowing of same.

ART. IX. The stipulations of the present treaty do not extend to acts performed by political parties or the result of internal disturbances independent of the intervention of foreign governments; inasmuch as the principal object of the present treaty of alliance being the mutual guarantee of the sovereign rights of both nations, none of its clauses must be interpreted in opposition to its primary end.

ART. X. The contracting parties will, separately or collectively, when by a subsequent agreement they may consider it convenient, solicit the adhesion of another or other American states to the present treaty of defensive alliance.

ART. XI. The present treaty will be exchanged in Lima or in La Paz, as soon as it is legally perfected, and will remain in full force on the twentieth day after said exchange takes place. Its duration shall be for an indefinite period, each party reserving to itself the right of considering it as no longer existing when such shall be thought convenient.

In such a case the party desiring to annul the treaty must notify the other party of the same, and the treaty will no longer have effect on the elapse of forty months from such notification.

In testimony whereof, the respective plenipotentiaries signed it in duplicate and sealed it with their private seals.

Done in Lima on the sixth day of the month of February, one thousand eight hundred and seventy-three.

JUAN DE LA CRUZ BENAVENTE.
J. DE LA RIVA AGUERO.

Here follows an additional article which provides that the treaty shall be kept secret as long as both parties by common accord shall not deem its publication necessary.

The treaty having received the approbation of the extraordinary assembly of Bolivia and been confirmed and ratified by the then President of that country, Señor Adolfo Ballivian, was formally exchanged between the two parties, represented by their respective ministers, in the city of La Paz, on the 16th day of June, 1873.

The Peruvian Congress gave its approbation to the treaty on the 22d of April of the same year, and notified Señor Pardo, at the time President of Peru, of same on the 30th of the same month and year, who thereupon ratified it.

No. 60.

Mr. Seward to Mr. Osborn.

[Extract.]

No. 63.] DEPARTMENT OF STATE,
Washington, May 29, 1879.

SIR: I have to acknowledge the receipt of your dispatch of the 19th ultimo (92), in which you send me a copy and a translation of the manifesto of the government of Chili, in justification of its war with Peru.

Whatever may have been the causes leading to this war, its commencement and continuance cannot but be regretted by the United States; and it is hardly necessary to add that the announcement of an early peace between the two governments, as also with Bolivia, would be news most welcome to the Government of the United States.

* * * * * * *

I am, &c.,

F. W. SEWARD,
Acting Secretary.

No. 61.

Mr. Osborn to Mr. Evarts.

No. 100.] LEGATION OF THE UNITED STATES,
Santiago, Chili, June 5, 1879. (Received July 8.)

SIR: I have the honor to inclose a copy of the President's message, delivered to Congress at its opening on the 1st instant.

The message treats almost exclusively of the international difficulties in which the country is involved, but I discover little in it worthy of note which has not been already adverted to in my dispatches. Its review of the origin of the war with Bolivia and with Peru is but a repetition of the arguments presented by the foreign office in documents with which you have been furnished.

The President speaks with a pardonable pride of the valor displayed by the Chilians in the combat of the 21st ultimo at Iquique between the Chilian wooden ships Esmeralda and Covodonga and the powerful Peruvian iron-clads Huascar and Independencia. In this battle the Esmeralda, with no possible hope of escape from destruction except through a surrender, continued for four long hours the desperate encounter, and then went down with her colors still at the mast. The Covodonga, more fortunate than her companion, managed to get out of the bay closely pursued by the Independencia, and being a ship of light draught, by running close to the shore she led the large iron-clad upon the rocks and witnessed its total destruction.

The enthusiasm of the people in consequence of this battle is beyond my power of description. Chili has had other heroes, but I doubt if any were ever so honored as is now the memory of Arturo Prat, the late commander of the Esmeralda.

At the time of this battle the Chilian fleet, except the two ships mentioned, was in the neighborhood of Callao, where it still remained at last advices received here. The Huascar in the mean time has continued in the vicinity of Iquique. The loss of the Independencia must prove to be a severe blow to the Peruvian cause, and I doubt if it can be repaired in the present condition of the Peruvian credit.

The two Chilian iron-clads are powerful vessels, and ought to be able to destroy the Huascar if they can succeed in bringing her under their guns.

The government is exceedingly reticent as to the future movements of the fleet, but I infer that the blockade of Iquique will soon be re-established, if it has not already been done.

You will have learned ere this, doubtless, through our legation in Lima, of the tender made by Great Britain to Peru and Chili of its good offices in the capacity of a mediator, and of the refusal thereof by Peru. The President states in his message, as you will observe, that the offer was accepted by his government. I cannot speak positively, but I am strongly impressed with the belief that the action of Great Britain was the result of a suggestion from their legation here, and that this suggestion was inspired by the Chili government.

I see by the newspapers that the Queen's ministers have assured the British Parliament, in response to questions propounded to them, that their government would take the proper steps to protect the interests of British citizens on this coast pending the war. This declaration caused considerable uneasiness here.

The large Peruvian debt is principally held in England, and it was feared by the friends of Chili that the contemplated action meant an

interference in behalf of the holders to the extent of insisting that the niter and guano in the Tarapaca district should be applied to the liquidation of this debt, regardless of the result of the war in that section. The British minister called on me a few days since, and in the course of conversation, referring to this subject, said that the commander of the British naval forces in the Pacific had been instructed from home by telegraph to exercise due diligence in protecting British interests here, and that that was all that was meant by the assurance given by Her Majesty's ministers to Parliament. I do not doubt that such a dispatch was received, but you are better able to judge than I am whether the promises of the British cabinet contemplated this and no more, or not.

I have, &c.,

THOMAS A. OSBORN.

P. S., JUNE 6.—A dispatch received this morning announces that the Chilian fleet had returned to Iquique. On the 31st ultimo the Huascar was at anchor in a small inlet a short distance this side of Antofagasta.

OSBORN.

No. 62.

Mr. Osborn to Mr. Evarts.

No. 101.] LEGATION OF THE UNITED STATES,
Santiago, Chili, June 11, 1879. (Received July 24.)

SIR: I inclose an English translation of what I find published in the newspapers purporting to be a decree of the Bolivian government concerning privateers, and beg leave to direct your especial attention to sections 5 and 6 thereof. I assume that the treaty of the United States with Bolivia, proclaimed January 8, 1863, is still in force. This treaty fully recognizes the doctrine of "free ships, free goods," and unequivocally defines which shall be regarded as contraband of war. On these points the decree is in direct conflict with the provisions of the treaty.

This decree has caused quite a flutter in diplomatic circles here. The British representative has been especially exercised concerning it. He informed me a few days since that he purposed telegraphing the substance of it to London, and I conclude that if his government shall agree with him privateers under the Bolivian flag will be treated by Great Britain as pirates.

Bolivia is not, I understand, a party to the treaty of Paris, and I know of no maritime power, except that of the United States, which has stipulated with her for the recognition of the principle that the flag protects the cargo.

I have taken the liberty of mentioning this matter to my friend Judge Pettis, in a personal note which I forward to him at La Paz today. The decree is dated prior to his arrival at La Paz, and it may have escaped his notice.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure.]

Translation of Bolivian decree concerning privateering.

Whereas, the Republic of Chili having declared itself in a state of warfare against Bolivia, and having taken armed and forcible possession of a portion of the coast, thereby breaking former well-defined treaties, it has become necessary to make use of all legitimate means of maritime warfare; and to such effect, having the right and believing in the necessity of sending forth vessels carrying letters of marque against any other vessels sailing under the enemy's flag, or against any Chilian merchandise, whether or not contraband of war which they may meet under a neutral flag, or for the taking or confiscation of the saltpeter works, guano deposits, or other products of the Bolivian coast which may be worked and exported, such acts being considered as robbery and piracy committed by the Chilian Government on the national property, I hereby issue the following decree for the guidance of all captains of privateers holding letters of marque from this republic in the present war against Chili.

1st. It is hereby authorized to any Bolivian privateer to chase and capture any Chilian vessel, whether she be a ship of war, privateer, a merchantman, whether she be at sea, or in the waters or harbors of the republic, waters or ports of the enemy.

2d. It is forbidden to privateers of the republic to make any attack or hostile act within the limits of any waters or ports belonging to neutral nations, it being understood that national waters are such as are within the reach of a cannon shot from low water mark.

3d. The privateers of the republic may take possession of the cargoes of Chilian merchant vessels, provided that such cargoes do not belong to any neutral, except in the case that the articles of which the same is composed may be contraband of war, destined to the enemy, the which will be always seizable. If one portion of the cargo is contraband of war and the other not, the first only shall be seizable.

4th. The privateers shall be authorized to stop or seize any neutral vessel which may carry official dispatches from or to the enemy, or troops for land or marine service, or supplies for the enemy.

5th. The privateers of the republic may seize any cargo being Chilian property, which they may find on board of any neutral vessel, whether or not the same may be contraband of war.

6th. Contraband of war is composed of the following matters: cannons, muskets, mortars, and all description of arms, and also all kinds of projectiles, gun carriages, fusees, fulminants, percussion caps, gunpowder, saltpetre, sulphur, articles of military clothing, harness, horse saddles and bridles, field tents, coal intended for the war ships of the enemy or their privateers, or other such, and all instruments and appliances destined for warfare, including food and victuals, gold and silver coined, and the correspondence addressed to the enemy; also military contingents or individuals belonging to the service of the enemy, are contraband of war.

7th. Also any vessel which cannot prove her neutrality may be seized, and in like manner those which may fail to produce the necessary documents, namely, the register, the bills of lading for the cargo, or other such documents as may vouch for the neutral ownership of the ship and cargo, and shall be deemed lawful prize unless there shall be proof that the said documents have been lost by inevitable accident. All the papers presented must be properly accredited in order to be accepted.

8th. Vessels which shall hoist any other flag than that of their true nationality, or which may throw their papers overboard into the sea, or which may offer resistance or attempt to escape from the privateer, shall be considered as enemies.

9th. The privateers of the republic are authorized to seize any vessels of whatever nationality which may carry on board produce exported from the ports of Mejillones or Autofagasta, and minerals from Caracoles, such as saltpeter, guano, silver or copper, unless they can prove that the same have been shipped through the intervention of the Bolivian authorities.

10th. The declaration of lawful prize shall be given by the courts established by the laws of the republic. If, on account of distance or other cause, the prize cannot be brought before such court, judgment shall be delivered by the diplomatic or consular agents of the republic in the ports of any friendly nation which may consent to the sale of such prize. If by chance the privateer, being embarrassed by extraordinary circumstances, may be unable to send the prize for proper judgment, she may act according to the circumstances, consulting her own safety, and keeping the necessary documents, which shall be presented in due course before the competent authorities.

11th. The privateers of the republic shall hold the right of visit which belongs to all belligerents, and in the exercise of the same comply with the following regulations: The privateer shall display the national flag, firing a blank shot towards the vessel which is to be visited, and which shall stop and hoist her ensign. If she do not do so the privateer will take the necessary means to oblige her to comply.

12th. If the merchant vessel stops and displays her ensign, the commander of the privateer shall send a visit on board, with all necessary precautions to examine the papers, and ascertain the nationality of the ship and cargo, and that she is engaged in legitimate trade.

13th. If on such visit it results that the vessel is seizable, the privateer shall take an inventory of the cargo, and all the effects which shall be found on board, and shall keep such documents as may prove the legality of the prize, to present the same before the respective tribunal (court).

14th. If it results from the visit, that the vessel is not seizable, nor may be detained, and that the cargo is altogether neutral property, and not contraband of war, a certificate shall be given to the captain of such vessel, in which these facts shall be set down, and the captain of the privateer shall keep a duplicate of the said document.

15th. Any vessels captured by Bolivian privateers, and also the cargo of the same, shall be free of all fiscal dues in the ports or harbors of the republic.

16th. The commander, officers, and crew of such privateers shall be under the protection of the government and law of the republic, and shall be considered Bolivian citizens, with all the rights and warranties thereunto annexed, even though they may be foreigners, from the time of the arming of the privateer, or that they may belong to her.

Given in the city of La Paz this twenty-sixth day of March, 1879.

H. DAZA.
EULOGIO D. MEDINA.

No. 63.

Mr. Osborn to Mr. Evarts.

No. 107.] LEGATION OF THE UNITED STATES,
Santiago, Chili, July 24, 1879. (Received September 4.)

SIR: General Urbina, an ex-president of Ecuador, has been here a few weeks on a special mission from his government in the interest of peace, and left this morning for Lima. On his way down the coast General Urbina had an interview with Presidents Prado of Peru, and Daza of Bolivia, at Arica, which resulted in his being informed that Peru and Bolivia would consent to a cessation of hostilities and an arbitration of the matters in dispute upon the condition that the *status quo ante bellum* should be restored, and should continue pending the arbitration. In an informal interview which I had with the minister of foreign relations yesterday, he informed me that this condition would not be ageeed to by this government. Said he, and truly, I believe, "a ministry which would consent to this now could not stand a day."

He added, however, that Chili would consent to arbitrate, leaving the *status quo* as at present, and with an understanding that if the dominion of the country in dispute should be determined to belong rightfully to Bolivia, Chili would pay therefor the price which the arbitrator might fix. I judge that this is the proposition with which General Urbina goes to Lima to-day.

What the other governments will say to it now is more than I dare to venture an opinion upon.

Since the first interview of General Urbina with Presidents Prado and Daza, the allies have met with quite a severe loss in the destruction of the "Independencia," one of the Peruvian ironclads, and it is possible that their demands touching the *status quo* may be somewhat modified.

From the beginning I have believed that, if the Chili troops should succeed in capturing Iquique before an arrangement could be reached, it would be difficult to induce Chili to consent to withdraw therefrom until she should be indemnified for expenses in the war; and this opinion I still entertain. The proposition which I assume General Urbina car-

ries, is, I doubt not, made in good faith, but it is made with the surroundings of to-day. There is here a strong party urging upon the government greater energy in the prosecution of the war, and one of the movements demanded is the capture of Iquique. President Pinto is exceedingly conservative and disposed to "make haste slowly," but public sentiment is pressing him forward, and has just made it necessary for him to change the commander-in-chief of the army. There is a very general demand for an aggressive campaign, and I think I venture little in predicting that before the receipt of this dispatch a part of the army now at Autofagasta will have effected a landing north of Iquique. I know that a forward movement has been determined upon, and the government anticipates a severe and bloody battle.

In the conversation referred to, the foreign minister volunteered some expressions touching the choice of an arbitrator, if that point shall be reached. While the Emperor of Brazil would be satisfactory to Chili, the government expects, I am led to believe, that the President of the United States will be requested to assist the belligerents in the arrangement of their difficulties.

Business in all its branches is at a standstill, and I can see nothing but universal bankruptcy in a long continuance of the war.

Some few months since the government, after failing in all efforts to secure a loan, issued six millions of paper notes. This is about exhausted, and I apprehend that ere long a new issue will be made.

The extraordinary expenses growing out of the war are not much short of two millions a month.

To provide the necessary funds for expenditures abroad, a decree has just been issued by the Executive requiring that all import duties shall be paid in silver or its equivalent in bills on Europe. This was made necessary by the great decline in the value of paper money exchange on London, which, rated at about 40*d.* for the dollar at the commencement of the war, has advanced to 28*d.*; or, putting it in another way, the American gold dollar, which was worth a few months since a dollar and a quarter in this money, now commands a dollar and three-quarters.

By the New York papers which came to hand by the last mail, I see that there has been some newspaper discussion growing out of a telegraphic dispatch from Berlin indicating an intention on the part of the German Government to interfere in this controversy.

These articles have been generally copied and commented upon by the Chili press, and I have yet to see an expression of dissent from the views entertained by our leading journals regarding the ability of America to arrange her difficulties without assistance from the other side of the Atlantic. Thé Ferro-canil, the leading newspaper of the country, has quite an able editorial on the subject this morning, in which it rejoices that the opportunity occurred for an expression of opinion upon the part of the American press regarding the "Monroe doctrine."

Public sentiment here now seems to be decidedly averse to European interference in any contingency. It may not be inappropriate for me to remark in this connection that several months since Baron von Gulich, the German minister here, informed me that he had just received a dispatch from his government directing him in the most positive manner to have nothing to say concerning matters which are purely American. I did not see the dispatch, nor am I sure now that he said that it in terms mentioned the "Monroe doctrine," but in our conversation I know he regarded it as conforming fully to this principle. The dispatch was received prior to the commencement of the present war, and was oc-

casioned, I think, by some suggestions made by von Gulich concerning the Argentine dispute.

The British representative informs me that his colleague in Lima is especially anxious that Great Britain shall be permitted to mediate, and is suggesting that the good offices of the government shall be urged upon the belligerents.

In my dispatch, No. 100, speaking of the tender by Great Britain of its good offices I intimated a belief on my part that this action had been inspired by the government here. Further developments lead me to conclude that my suspicions were groundless.

I have, &c.,

THOMAS A. OSBORN.

No. 64.

Mr. Evarts to Mr. Osborn.

No. 70.| DEPARTMENT OF STATE,
Washington, August 8, 1879.

SIR: I transmit herewith for your information copy of a dispatch from Mr. Ernest Dichman,* United States minister resident at Bogotá, reciting the causes which have prompted Colombia to proffer mediation for the settlement of the war between Chili and Peru and Bolivia, and announcing the appointment of Dr. Arosemena, the former secretary of foreign relations of Colombia, to visit Santiago, Lima, and La Paz on a special mission for the purpose of tendering such mediation.

Although abstaining from any direct indorsement of, or co-operation in, this apparrently laudable effort of Colombia in the interest of peace and reconciliation, this government, which feels lively solicitude for the prosperity and tranquility of the South American states, cannot but watch Dr. Arosemena's mission with especial attention.

In personal intercourse with the doctor, when he visits Santiago, you will probably find a fitting occasion to express to him the warm interest taken by the United States in this tentative step, and the friendly solicitude of this government as to the result.

I am, sir, your obedient servant,

WM. M. EVARTS.

No. 65.

Mr. Osborn to Mr. Evarts.

No. 110.] LEGATION OF THE UNITED STATES.
Santiago, Chili, August 9, 1879 (*September* 16).

SIR: Since the arrival of Judge Pettis on this coast, in April last, we have exchanged many letters, some of a personal and others of a public character. Quite naturally the distressing war in which these countries are engaged has been a subject of comment. Realizing the sincere regret of the United States at this sad conflict we have endeavored, by careful inquiry into the real cause of the difficulty and a comparison of views thereon, to find some fair basis upon which an honorable and a lasting peace might possibly be consummated.

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* For inclosure see inclosure to document No. 5.

It is unnecessary that I should recapitulate in detail our correspondence. Suffice it to say that all parties seemed willing to arbitrate, and all appeared desirous that some branch of the Government of the United States should officiate as arbitrator, but the difficulty which blocked the way was the *status quo*. Peru and Bolivia insisted that the *status quo ante bellum* should prevail, while Chili contended for it, as at present. Judge Pettis seemed to think, however, that this difficulty might be removed if a fair opportunity should be afforded the belligerents for a comparison of their views.

On the 29th ultimo I received a telegraphic message from Judge Pettis on board the steamer at Coquimbo, on his way to Valparaiso, notifying me of his coming to Chili. In an unofficial interview with Minister Hunaeus, in charge of the foreign office, I informed him of the receipt by me of this message, whereupon he requested me to urge Judge Pettis to continue his voyage to Santiago. On the arrival of Judge Pettis here I introduced him to Minister Hunaeus, and several extended conversations, all having in view a peaceable solution of the difficulties, have followed. In the outset Mr. Hunaeus was informed that Judge Pettis was here without instructions from his government. Mr. Hunaeus expressed a belief that his government would be glad to arbitrate the questions in dispute and would accept as arbitrator either the President of the United States, the Supreme Court of the United States, or the United States ministers at Santiago, Lima, and La Paz, but that it would not recede from its position regarding the *status quo*.

Many suggestions were made, when finally Judge Pettis expressed a belief that a *status quo* would be consented to by Peru and Bolivia which would provide for the immediate withdrawal of the Chilian forces from the territory north of the 23d parallel of south latitude, and for a concession to Bolivia of the coast as far south as, and including the port of, Majillones. Mr. Hunaeus seemed to think that this would be satisfactory to Chili if it were coupled with an understanding that if the arbitrator should determine that the territory between the 23d and 24th parallels was a part of Bolivia, Chili should pay Bolivia therefor a price to be by the arbitrator fixed. In support of this demand he urged the fact that the population and interests in the territory spoken of were almost exclusively Chilian. Judge Pettis replied that he did not know that there would be any serious objection to this, whereupon Mr. Hunaeus requested that an informal written memorandum should be made of the suggestions presented for submission to the President and cabinet. Judge Pettis desired an opportunity to confer with me privately on the subject, and in an hour I forwarded to Mr. Hunaeus the memorandum of Judge Pettis, written in pencil, under cover of a personal letter from me. I will forward hereafter a copy of the memorandum. I am not in possession of it now, but having stipulated for a return of the original when it was sent to the minister, it will, I presume, be returned to me in a day or two. The cabinet is in earnest consultation on this matter to-day, but I will not be able to give you the result thereof by this mail. I must close my dispatch in an hour. I may say, however, that notwithstanding the cheerful opinion expressed by Minister Hunaeus, my hopes of a peaceable solution of the dispute between Chili and Peru *at present* are not unbounded. There is a deep-seated feeling of enmity between the two countries, and I doubt if either is yet ready for peace. They are jealous of each other, and are engaged in a terrible struggle for supremacy in the Pacific. It is different with Bolivia. Chili would settle with Bolivia on the basis suggested in a

moment. That such a settlement would, by removing the original cause of the war, tend to simplify the road to peace with Peru, is probably true.

It is proper that I should say that the presence of Judge Pettis here has, in my judgment, materially improved the prospect for an amicable arrangement of the difficulties.

The advance of the army predicted in my No. 107 has been, by reason of the capture by Peru of one of the Chilian transports, indefinitely postponed.

The blockade at Iquique has been raised. I am not advised whether the government intends to re-establish it or not.

I have, &c.,

THOMAS A. OSBORN.

No. 66.

Mr. Osborn to Mr. Evarts.

No. 112.] LEGATION OF THE UNITED STATES,
Santiago, Chili, August 16, 1879. (Received September 17.)

SIR: In my dispatch No. 110 I spoke of the arrival here of Judge Pettis and of the informal submission to the minister of foreign relations of his memorandum regarding peace. I now have the honor to inclose a copy of the memorandum, together with an English translation of the response sent me by Minister Hunaeus. It will be observed that they are both without date and signature. The memorandum of Judge Pettis was inclosed to the minister in a personal letter from me, a copy of which I forward, as I do also a copy of the personal letter to me from Minister Hunaeus accompanying the response.

It will be seen that the fears expressed in my No. 110 regarding the prospect for an immediate peace with Peru were well founded, as was also my belief that Chili would consent to submit to arbitration its questions with Bolivia on the basis proposed in the memorandum. In my judgment the President would gladly conclude a peace with Peru on the terms suggested, if he could. But he is powerless in that direction. The war spirit is in the ascendency, and it is likely so to remain until a trial of strength has been had.

President-making is now the order of the day, and I very much fear that this spirit will soon develop into one of President-breaking. The cabinet is being repeatedly called before Congress for explanations concerning the conduct of the war, and it is now understood that there is soon to be another change in the ministry. The mass of the people, urged on by the politicians, clamor for more activity, while the administration hesitates. The government doubtless fears that a serious reverse would, in the present condition, produce a revolution. I seriously fear that Chili is being threatened by an enemy far more dangerous than the armies of Peru and Bolivia. Her internal political condition is that of confusion, and as each day succeeds the other it becomes more so.

A rumor obtained currency a few days since that the United States Government had determined upon intervention in the controversy, and the newspapers of the clerical party, accepting the rumor as well founded, proceeded to inform the President as to his duties in the premises. Circumstances, among which I may mention the arrival of Mr. Fisher,

of Boston, with dispatches for the legation, and the visit of Mr. Pettis, conspired to give credence to the report. It was freely stated that Mr. Fisher had announced on the steamer that he was the bearer of important dispatches to this legation concerning the war, and an article was copied by the press from a Lima paper, announcing the arrival there of Mr. Fisher with important dispatches from the government at Washington for our legations at Lima and Santiago. The excited condition of public opinion gave to these incidents an important coloring and afforded the sensational newspaper man a fair field for operations. Of course the rumor was of short duration, but the discussion which it produced developed the existence of a strong public sentiment in opposition to dictation from without. I may have more to say hereafter regarding the source of this rumor.

I have, &c.,

THOMAS A. OSBORN.

[Inclosures.]

1. Memorandum of basis for peace.
2. Response sent by Minister Hunaeus.
3. Personal letter to Minister Hunaeus, inclosing memorandum.
4. Personal letter from Minister Hunaeus, inclosing response.

[Inclosure 1 of No. 112.]

Memorandum of basis for peace.

Whereas, it has been suggested through a friendly medium that even now the pathway to an early, honorable, and profitable peace leads in the direction of arbitration at the hands of some known and acknowledged power alike friendly to Peru, Bolivia, and Chili;

And desiring in the spirit of conciliation and compromise, and in the interest of peace and humanity, to transfer and elevate the contest of principle from the theater of force to that of reason and conscience:

It is agreed that all differences and all matters in dispute between Peru and Bolivia upon one side, and Chili upon the other side, of whatever character, class, kind, description, or extent, be submitted to —— ——, who shall be requested to meet upon the —— day of September, 1879, for the purpose of receiving and considering the statements of the proper representatives of each of the three republics in support of their respective views and claims; and after such presentation, hearing, and consideration, to determine and decide upon all matters concerning which Peru, Bolivia and Chili are now at variance, and the same being reduced to writing and signed by a majority of the arbitrators, to be final, binding, and conclusive upon the said republics and the governments thereof; and in the event that the arbitrators should be of opinion that Bolivia is justly and equitably entitled to any territory south of the twenty-third parallel south latitude, it is understood that the arbitrators, or a majority of them, shall ascertain and fix the amount that Chili shall pay to Bolivia and the manner of payment for such territory, provided the respective legally-constituted representatives before the arbitrators cannot agree upon such amount as compensation therefor, and the divisory line between Chili and Bolivia shall thereupon be by such arbitrators established upon the said parallel 23d south latitude. Therefore,

It is stipulated:

That from this —— day of August, 1879, hostilities of every character shall cease, and neither party augment its forces on land or sea; that Chili at once disoccupy all territory south of the 23d degree of south latitude, withdrawing all her forces by land and sea south of said 23d degree, leaving clear to Bolivia as well the coast south of said degree ten minutes below said 23d parallel, but in all other respects the *status quo* to remain as at present.

This instrument to have no force or validity until signed by the proper authorities of the three republics.

[Inclosure 2 in No. 112.]

Response sent by Mr. Hunaeus.

1. The government has no objection to submit the questions between it and Bolivia to the arbitration of the United States upon the terms proposed, inasmuch as such terms cover the purpose of the war and express the spirit by which Chili has been governed in the question of boundaries with Bolivia, as also because it believes that such agreement would be cheerfully accepted by Congress, and meet the approval of the country.

2. With regard to the questions with Peru, although the conditions proposed meet, to a great extent, the purpose of the war, the disloyal conduct of Peru or its government in preparing for war while at the same time it was outwardly manifesting towards Chili pacific and friendly feelings; in offering herself as a mediator, while at the same time she was bound by a secret treaty of alliance with Bolivia, which, for the time being, was our enemy, affords this country and its government just grounds for not accepting a solution of our existing difficulties by means of an arbitration, and for demanding that in future Peru shall enter into no treaties such as the one of February of 1873, and which she kept secret for six years, doubtless waiting her opportunity to take the aggressive when the advantage might be on her side under a treaty which did not render war upon her side obligatory, unless we desire to expose ourselves to the serious danger of a standing menace against peaceful relations abroad, and to be always ready to resist.

Such are the grave considerations which deter the government from accepting the arbitration upon the terms proposed, and make it incumbent on it, before accepting them, of informing itself of the views of Congress with regard to the proposed conditions, and also to ascertain how far they would meet the exigencies of the country.

For, although the government recognizes it as a duty, suggested as well by reason as by the practice of all civilized nations, to put an end to war by pacific means, it also feels it to be a duty to consider well whether such pacific solution of the difficulties would really bring a lasting peace to Chili and shield her from the machinations of which she has been the object and by which she has been unwittingly dragged into a war for which she was not prepared.

[Inclosure 3 in No. 112.]

Mr. Osborn to Mr. Hunaeus.

SANTIAGO, CHILI, *August* 7, 1879.

MY DEAR FRIEND HUNAEUS: Judge Pettis, my colleague, accredited to Bolivia, has handed me the inclosed "memorandum" of a proposed arbitration of the dispute between Chili, Bolivia, and Peru, which I transmit for your information.

With due consideration, &c.,

THOMAS A. OSBORN.

[Inclosure 4 in No. 112.—Translation.]

Mr. Hunaeus to Mr. Osborn.

SANTIAGO, *August* 11, 1879.

ESTEEMED SIR AND FRIEND: Acknowledging the receipt of your letter of the 5th instant, and of the memorandum of proposed arbitration that the Hon. Newton Pettis, your colleague in Bolivia, had delivered to you, and that you had the goodness to remit to me, I have, in return, the pleasure of inclosing to you a copy of that which I read to you and to Mr. Pettis at 5 p. m. yesterday, thus acceding to the desire which you manifested of having it.

With all consideration, &c.,

JORJE HUNAEUS.

The Hon. THOMAS A. OSBORN.

No. 67.

Mr. Osborn to Mr. Evarts.

No. 118.] LEGATION OF THE UNITED STATES,
Santiago, Chili, October 17, 1879. (Received Nov. 24.)

SIR: Under date of September 24, 1879, Mr. Christiancy wrote me a somewhat lengthy letter from Lima upon the subject of the war, and made some suggestions regarding an effort to bring it to a termination. A copy of his letter was, he informs me, forwarded to the State Department. I have the honor to forward, under cover of this dispatch, a copy of my reply.

I have, &c., &c., &c.,

THOMAS A. OSBORN.

Mr. Osborn to Mr. Christiancy.

Private.] LEGATION OF THE UNITED STATES,
Santiago, Chili, October 17, 1879.

SIR: I have your communication of the 24th ultimo concerning the unfortunate war in which these republics are engaged, and suggesting propositions looking to peace, and have given it a very careful consideration.

You are right in concluding that, personally, I would be glad to see this conflict at an end. I see no good in it, but, on the contrary, much injury to all the governments concerned, and such influence as I may have had here with this government has been on all proper occasions thrown into the scale in behalf of peace. I have been careful, however, to avoid making myself offensive by tendering advice where it did not seem to be welcome. I have endeavored to keep in mind the fact that the conflict is one in which we are quite remotely, if at all, concerned, and the policy which has governde the United States would scarcely warrant her agents in meddling obtrusively in it.

As to mediation by the United States, my own judgment is against any movement in that direction, as the matter now stands, except upon a positive assurance that the good offices of our government would not only be accepted, *but that they are desired.*

Contingencies might arise in the future which would justify our government, perhaps, in *urging* its good offices, but I see nothing in the present aspect to warrant any such action.

If it should hereafter appear manifest that some of the European powers were on the eve of armed intervention, the aspect would doubtless be changed.

It is a mistake to suppose that this government is anxious to end the war and only seeks a way to let herself down easily. The war spirit here is quite as strong now as it has been at any time, and there seems to be the most perfect confidence in Chili's ability to conquer its enemies. Such being the case, it is useless to talk to them of mediation. They regard themselves as capable of settling their affairs without the assistance of a mediator. Mr. Arosemena, of the Colombian Government, whom you met in Lima, assured me last evening that he should leave in a few days without formally tendering the good offices of his government, as he has been privately made to understand that such good offices are not desired.

I still regard it as probable that in the end some of the questions in dispute will have to be submitted to arbitration, but the manner in which they are to be submitted will depend much upon the result of the war. When that point shall be reached I feel confident Chili will be content with the United States as arbitrator. I cannot, however, concur in your suggestion that the other governments mentioned should be associated with ours. I see many objections to it, and you will, on reflection, I think, conclude that it would be impracticable.

Regarding your suggestion as to a division of the territory between the twenty-third and twenty-fourth parallels, I am confident that if Peru and Bolivia were to send here a direct proposition to that end it would not be accepted. Nothing short of utter defeat in the war will induce Chili to give up any considerable part of the territory south of the twenty-third parallel. She is willing, I judge, to arbitrate it, but only on condition that if the title should be determined to be in Bolivia, Chili should retain it by paying an equivalent therefor. I suppose that Judge Pettis has furnished you with a copy of the memorandum which was sent me by the minister of foreign relations. The memorandum was quite as moderate as public sentiment here would justify, and now that the depression which then prevailed over the loss of the

"Rimae" has given way to universal joy and renewed confidence because of the capture of the "Huascar," you can judge how utterly useless it would be to suggest to them a division of the territory referred to.

I have written you quite hurriedly in my anxiety to get my letter into the mail which leaves to-day, but have endeavored to speak plainly, and trust I have made myself understood. I am as anxious for peace as any one can be, and will go as far in the effort to bring it about as my sense of propriety will permit. My chief regret is that I am unable to see how, in the present condition of affairs, I can be of any service in that direction. I trust, however, that our correspondence shall be continued, and if events shall place it in our power hereafter to aid in extricating these republics from their difficulties, I feel confident that we will both be found equal to the occasion.

I will write you further on the subject as circumstances may seem to require.

I have the honor to subscribe myself, truly your friend,

THOMAS A. OSBORN.

No. 68.

Mr. Osborn to Mr. Evarts.

No. 120.] LEGATION OF THE UNITED STATES,
Santiago, Chili, October 28, 1879. (Received December 18.)

SIR: Referring to your instruction, No. 70, regarding the mission of Dr. Arosemena, special ambassador of the United States of Colombia to the belligerents in the existing war in this section, I have the honor to inform you that I have discharged, to the best of my ability, the duty therein imposed upon me. Soon after the arrival of Dr. A. at this capital we were made acquainted with each other, and circumstances have since brought us together quite frequently. On more than one occasion before the arrival of your instruction he had mentioned to me the purposes of his mission, and had intimated a hope that possibly the United States Government might join the United States of Colombia in its efforts for peace. I said to him in substance that I was without instructions touching the matter suggested by him, but that, while I knew that the United States Government felt a deep concern for the welfare of all the American republics, and that it regretted very much the present conflict and would rejoice at its termination, still I did not believe that it would, in the absence of knowledge that its good offices were desired by all the belligerents, or until it should have some good reason for believing that an effort by it in behalf of peace would be crowned with success, propose to meddle in the controversy in any manner.

Subsequently, when your instruction came to hand, I was more than gratified to observe that my expressions were in harmony with the views of the State Department in so far as the Department had seen fit to make them known. Dr. Arosemena is not hopeful of accomplishing anything now, and will leave here in a few days for Lima without formally tendering the good offices of his government. He has private assurances that the services of his government are not desired by Chili at present.

Upon this subject of mediation by the United States, I had occasion to write at some length a few days since to my colleague Judge Pettis in answer to some letters from him. In the course of my communication I took occasion to say that I was "fully convinced that our diplomatic agents should be careful to avoid any action which could possibly be tortured into an effort to *urge* the mediation of our government upon the belligerents." "This rule," I continued, "I have adopted for myself, and it shall be adhered to unless a change of circumstances shall render another course necessary or until advised otherwise by the government

at home." I informed him that Chili seemed perfectly confident of its ability to conquer its enemies, and that I had no reason to believe that it desired the good offices of our government at present.

This country was never more confident of success in the war, apparently, than it is now. The government, as now organized, with Señor Santa Maria at the head of the cabinet, represents fully the aggressive war spirit of the country. The government has the confidence of the people in so far as the conduct of the war is concerned, and all are sanguine regarding the result. And I judge, from the tone of the Peruvian press, that the allies are quite as confident that they will ultimately triumph. While matters continue in this condition I am at a loss to understand how our government can possibly make itself useful in the direction of peace. I am sure that no proposition which would admit of the reoccupation by Bolivia of the territory between the 23d and 24th parallels, or any considerable part thereof, would be accepted by Chili, no matter where the proposition should come from. It will also be remembered that in the unofficial "memorandum" sent to me by Mr. Hunaeus, late minister of foreign affairs, a copy of which was inclosed in my No. 112, it is claimed that, as between Peru and Chili, the latter must have some guarantee that its peace shall not be disturbed in the future before there can be a cessation of hostilities. At the time of the delivery of the memorandum I asked Mr. Hunaeus if he was prepared to say what guarantee would be required, but he did not answer. The principal cause for the declaration of war against Peru was the secret treaty between Peru and Bolivia. Chili understands this compact to have originated in Peru's hostility to her, and I am led to infer that the "security for the future" mentioned contemplated an abrogation of the treaty and an assurance that a like one would not be entered into hereafter. If Chili should, however, get possession of the Tarapaca district, I apprehend that it would be interpreted to mean much more.

There can be no peace until at least one of the parties to the conflict shall show a disposition to abate some of its pretensions. I am confident that Chili is not so disposed now. If the allies are, I do not know it. The fact is, the belligerents have not sufficiently felt the horrors of war to incline them in the direction of peace. Up to this time the conflict has been confined to the sea. There has been no engagement worthy the name of battle by the army, and there must be, in my judgment, at least one serious, bloody engagement by the land forces ere they will be found ready to listen to friendly suggestions from outsiders.

The Chilian land forces now number about twenty-five thousand men. They have been supplied with new arms of the most approved patterns, purchased in Europe. The men are regarded as good soldiers, and there will be much disappointment here if they fail to render a good account of themselves in the engagements which must, sooner or later, take place.

The capture of the famous turreted monitor "Huascar" by the Chilian navy has produced here the most unbounded enthusiasm. This vessel is now in the Valparaiso harbor undergoing repairs. This naval victory leaves Chili undisputed master of the sea. It remains to be seen whether she is to be as fortunate on land. Her position is undoubtedly much stronger than it was prior to this naval engagement.

The government is anxiously watching the course of events in the Argentine Republic. There is much hostility there to Chili, and it is feared that that country may yet drift into an alliance with Peru and Bolivia.

I have, &c.,

THOMAS A. OSBORN.

No. 69.

Mr. Osborn to Mr. Evarts.

No. 123.] LEGATION OF THE UNITED STATES.
Santiago, Chili, December 5, 1879. (Received January 22, 1880.)

SIR: I am this day in receipt of a note from the minister of foreign relations, containing information to the effect that on the 27th ultimo the Peruvian port of Arica was placed in blockade by the Chilian squadron.

The ports of Iquique and Pisagua are now in the possession of the Chilenos, and are open to commerce.

I have, &c.,

THOMAS A. OSBORN.

No. 70.

Mr. Asta-Buruaga to Mr. Evarts.

[Translation.]

LEGATION OF CHILI,
Washington, December 15, 1879.

Mr. SECRETARY: I have the honor to address your excellency for the purpose of calling your attention to the case of a torpedo-boat, which it is proposed to ship from Bristol, R. I., so that it may be used against Chili in its present war with Bolivia and Peru.

This legation has received reliable private information confirming the intelligence published on the 12th instant in the Evening Telegram (a slip containing the intelligence in question will be found on the margin of my letter), to the effect that this terrible agent of destruction has been in process of construction for some time, in pursuance of an order given by Peruvian commissioners or agents with the object above stated.

Without considering the question whether in legitimate warfare the use of an instrument of hostility would be admissible which uselessly endangers and sacrifices many lives, it may be asserted that a torpedo-boat comes under the head of armed vessels, as does any other of larger dimensions belonging to a navy, the fitting out of which violates the neutrality of the country in which it takes place. These boats are managed and operated by their own independent force, or as auxiliaries of other vessels forming part of a squadron. In such capacity they go to form, in my judgment, armed expeditions, whose preparation is in evident violation of the laws of the country in which it occurs, and from which they are conveyed for the purpose of carrying on hostilities against another with which that one is at perfect peace. I do not consider that this torpedo-boat is included in the right which is allowed to belligerents to purchase arms or other articles contraband of war in a neutral country.

Consequently, and in virtue of the stipulations of the treaty of 1832 between this country and Chili, which is still in full force as regards peace and sincere friendship, and of the neutrality law, I would request your excellency to adopt suitable measures to prevent the said torpedo-

boat from leaving any port of these United States, it being evidently intended for hostile use against Chili.

I avail myself of this occasion to repeat to your excellency the assurances of the very high consideration with which I am,

Your excellency's, &c.,

F. S. ASTA-BURUAGA.

71.

Mr. Osborn to Mr. Evarts.

No. 125.] LEGATION OF THE UNITED STATES,
Santiago, Chili, January 13, 1880. (Received Feb. 25, 1880.)

SIR: I am this day in receipt of a note from the minister of foreign relations, dated yesterday, by which I am informed that the Peruvian ports Ilo and Mollendo have been placed in blockade by the Chilian squadron.

The blockade of the first-named port was established on the 12th of December, and of the last named on the 29th of the same month.

I have, &c.,

THOMAS A. OSBORN.

No. 72.

Mr. Evarts to Mr. Asta-Buruaga.

DEPARTMENT OF STATE,
Washington, February 10, 1880.

SIR: Your note of the 15th of December last, in relation to a rumor that a torpedo-boat was about to be shipped from Bristol, R. I., for the use of the allies in the present war with Chili, was duly received. In reply I have the honor to observe that the facts, as now within the knowledge of this Department, do not constitute any sufficient ground of criminal action against the builders of the craft, such as would necessarily follow the preliminary measures prescribed in our neutrality statutes.

I have the honor, however, to add that I have requested my colleague of the Treasury to cause a watch to be kept on the movements of the suspicious craft to which your note refers, in order that any evident intent to violate the neutrality laws may be at once reported and acted upon.

Accept, &c.

WM. M. EVARTS.

No. 73.

Mr. Evarts to Mr. Osborn.

No. 83.] DEPARTMENT OF STATE,
Washington, February 19, 1880.

SIR: I have received a dispatch from the minister of the United States at Lima, with a copy of a letter from the consul at Lambayeque, Mr.

Montjoy, from which it appears that certain property of the American Oil Company, at Talara, which is described as "exclusively American property," and other like effects at the Lobos Islands, have been destroyed by the fleet of Chili; also that "a launch belonging to an American steam tug-boat was captured and taken away by the Chilian vessels, although made fast to the steamer and flying the American ensign."

It is understood that these facts are already within your cognizance. You will bring these acts to the early attention of the Chilian Government, and so represent the matter as may distinctly show, without however any appearance of captious opposition to the legitimate processes and needs of war, that the United States expect the equitable rights of their citizens under treaty and the laws of nations to be respected to the full, as befits the relations between two such friendly powers.

I am, &c.,

WM. M. EVARTS.

No. 74.

Mr. Osborn to Mr. Evarts.

No. 131.] LEGATION OF THE UNITED STATES,
Santiago, Chili, February 25, 1880. (Received April 10.)

SIR: Under date of the 3d instant, the minister of war and marine issued an order to the chief officer of the Chili squadron regarding the course to be pursued in the further prosecution of the war, an extract from which, with a translation in English, I herewith inclose. The remainder of the order I have not deemed it necessary to forward, as it treats only of the magnanimity of Chili heretofore in dealing with the enemy, and is of no consequence.

It will be seen that this government proposes to adopt more vigorous measures than it has heretofore had recourse to in the prosecution of the war, and that to that end it directs the bombardment and destruction of all towns on the Peruvian coast which have prepared cannons for defense, and the destruction of all moles and other property in the various ports of the enemy used in the loading and discharging of cargo.

To say nothing of the misery and suffering which would necessarily ensue from a rigid execution of this instruction, it occurred to me that neutral rights and interests were liable to become very seriously jeopardized by it, and I therefore suggested to my colleagues of the diplomatic corps that it might be well to consider the propriety of addressing the Chilian Government on the subject. The result was a meeting of the corps, and, after a full discussion, an understanding that each representative should address the Chilian Government concerning the interpretation to be placed on the order in question. A copy of my note is herewith inclosed.

You will observe that I have urged that bombardment should only be resorted to as against towns which possess some importance in a military sense, and that even then sufficient notice should be given to enable non-combatants and neutrals to remove themselves and their property from danger. You will also have observed that I have protested against the right of Chili to destroy the moles and other means of loading and discharging cargo on the enemy's coast except where such destruction appears to be necessary in view of the military situation.

An important fact in connection with this subject is that a very large

proportion of the population, and even a larger proportion of the property, in the various towns on this coast, whether in Chili or Peru, is foreign; and it is upon these people and upon these interests that the severity of this measure must, in a great degree, fall, if its execution is insisted upon. Many of these people are Americans. If the government should listen to my suggestions, much ruin would be avoided, and I am not without hope of such a result.

My note is now under consideration at the foreign office, as are also those of the other ministers, and I anticipate a reply soon.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 131.—Translation.]

Extract from order of minister of war and marine, February 3, 1880.

So, then, now that it is manifest that the enemy did not duly appreciate the humanity of our conduct, I believe that our hostilities must be conducted with greater severity. In virtue of this, all towns on the coast that are protected by cannons should be bombarded and destroyed; all railroads that are serving the enemy in the transportation of troops and elements of war should be fired upon; and all moles and boats employed in the ports of the enemy in loading or discharging cargo should be destroyed. In a word, our standard of conduct hereafter must be to do the enemy all possible injury, without neglecting anything that is authorized by the law of nations, until it is made to feel the necessity of obtaining peace. Any other course will result in prolonging the war without limit, and will greatly increase the sacrifices which the country is making to sustain it.

If heretofore it was believed that great severity in conducting our hostilities was, until a certain point, unnecessary, now we have sufficient data to believe that we shall not oblige Peru to lay down her arms except by reducing her to absolute want, and making her feel, in the property and interests of her inhabitants, all the burden of the war.

[Inclosure 2 in No. 131.]

Mr. Osborn to Señor Amuñátegui.

LEGATION OF THE UNITED STATES,
Santiago, Chili, February 21, 1880.

SIR: I find published in the Diario Oficial an order from the minister of war and marine of your excellency's government issued on the 3d instant to the commander-in-chief of the Chilian squadron, regarding the course to be pursued in the prosecution of the present war, touching the purport of which I deem it my duty to address your excellency.

The very cordial relations which exist between our respective governments encourage me to believe that the motives which impel me cannot be misconstrued, and that my suggestions will be received by your excellency as they are offered, in a spirit of the utmost sincerity and friendship.

I understand the order mentioned to direct the bombardment and destruction of all Peruvian towns which have made preparations for defense, and the destruction of all launches and other property, whether public or private, used for loading and discharging cargo in the various ports of the enemy. The instruction to bombard is, I understand, unrestricted, except as stated above. The importance of the place in a military point of view is not to be taken into consideration. It is enough to know that it has in place some cannons for defense. Nor is there any requirement for the notice now so generally recognized as necessary by the civilized governments in such cases.

The right of bombardment is a cruel one in any aspect, and the public opinion of the world very justly demands that it should be sparingly exercised, and when exercised that the horrors attending it should be mitigated in the greatest degree possible. It is a relic of the barbarism of the dark ages, against which civilization has for several centuries steadily and unceasingly directed its fire, and while the progress which has been made may not be as great as good men everywhere could wish for still much has been accomplished for humanity. The limits which circumscribed its

exercise in the ages which are past have been, through the expansion of an enlightened public sentiment, gradually reduced, until, I respectfully submit to your excellency, the law of nations recognizes it only as pertaining to ports which possess some importance, strategic or otherwise, in a military sense, and that even then sufficient notice of the proposed bombardment should be given to enable non-combatants and neutrals to remove themselves and their property from danger. And so, too, regarding the destruction of the launches and moles. It will hardly be seriously contended that such destruction could be justified except when the necessities of the military situation might seem to require it.

These observations are of a general character, but it is in its bearing upon the interests and rights of neutrals that I desire more especially to direct your excellency's attention to the order in question. These rights are liable to be seriously compromised by a rigid execution of the order, if I correctly understand its purport. The destruction of all the moles and launches on the Peruvian coast, for instance, involves the destruction of all neutral commerce with that country without the necessity of a blockade. I trust to be informed that my interpretation of the order in this respect is a mistaken one.

Without, however, particularizing further, I feel that my duty has been performed in bringing the matter to the consideration of your excellency, and I shall rest in the hope that whatever may appear to be wrong in the order referred to, in so far at least as it affects the right of neutrals, will be duly righted.

With sentiments of the highest consideration, I have, &c.,

THOMAS A. OSBORN.

Hon. MIGUEL LUIS AMUÑÁTEGUI,
Minister of Foreign Relations.

No. 75.

Mr. Osborn to Mr. Evarts.

No. 132.] LEGATION OF THE UNITED STATES,
Santiago, Chili, February 27, 1880. (Received April 10.)

SIR: The minister of foreign relations has addressed me a note soliciting the friendly aid of our legations at Santiago and La Paz in securing an exchange with Boliva of prisoners of war, in answer to which I have assured him that I would very cheerfully render his government all the aid in my power, and that I would communicate at as early a day as possible with my colleague in La Paz on the subject. I further informed the minister that Judge Pettis had been absent from his post, and that I was uninformed touching the time fixed for his return, but that I judged that the legation had been left in the hands of some person who would give due consideration to my communication if Judge P. should not be there to receive it.

I have this day written to the legation in La Paz, as promised in my note.

I have, &c.,

THOMAS A. OSBORN.

No. 76.

Mr. Osborn to Mr. Evarts.

No. 133.] LEGATION OF THE UNITED STATES,
Santiago, Chili, March 5, 1880. (Received April 10.)

SIR: In several of my dispatches upon the subject of the existing war in this section I have expressed the conviction that if Chili should

succeed in placing her army in possession of the rich niter and guano deposits of the Tarapacá district she would insist upon holding them, regardless of any declaration which she may have made touching the purposes of the war. Prior to her occupation of this district her authorized officials here strenuously insisted that great injustice was done her if it was believed that her purpose was one of conquest. In a conversation with Judge Pettis and myself, in August last, Mr. Hunaeus, the acting minister of foreign relations, expressed himself quite emphatically on the subject, asserting that there was no responsible public opinion in Chili in favor of the conquest of a part of Peru, and he appealed to me to bear him out in this statement. I do not doubt that Mr. H. was sincere; nevertheless it was apparent to me then, as it had been before and has been since, that if Chili should succeed in conquering the district of Tarapacá she would eventually annex it to her dominion.

The drift of public opinion has constantly been in the direction indicated, and now I doubt if any responsible citizen would have the temerity to suggest a contrary course. There has been, and is now, doubtless, a difference of opinion as to the manner in which the annexation should take place, but that Tarapacá is to be annexed, now that it is in the possession of the Chilian army, is an acknowledged fact which no one presumes to question. A proposition for peace which should exclude the possibility of such a consummation would not, in my opinion, be seriously considered by this government. Just prior to the adjournment of the late session of Congress a resolution proposing an immediate annexation was offered by a very prominent and influential member, but the minister of the interior urged that its adoption then would be inopportune, and at his request it was laid aside. I judge that the government would prefer to accept Tarapacá as a reimbursement for expenses in the war to any other form of annexation.

The management of the niter and guano interests in the conquered territory is presenting some difficult questions to the Chilian Government. By military order an export duty upon niter of one dollar and fifty cents per hundred pounds was established some three months since, but from various causes comparatively little has been shipped, and the revenue derived therefrom is quite small. Of the principal causes for the meager shipment may be mentioned the excessive duty and the fear upon the part of the individual owners of a confiscation of their interests if Peru should recover her lost possessions. The government is sadly in need of money, and is making every effort to bring about a shipment of the niter, but I incline to the belief that before much is accomplished in that direction a reduction of the duty will be found necessary.

The average value of niter in the European markets during the year 1878 was thirteen shillings per hundred pounds. At this figure it would hardly pay to engage in its production, with the export duty as fixed. In 1878 the amount exported from the Pacific coast was 313,000 tons. Assuming this to be an average year, it will be seen that upwards of seven millions of dollars per annum could be realized from this source with the duty at one dollar per hundred pounds.

I inclose a military order recently issued regarding the exportation of guano from the districts mentioned. These guano deposits are, it is understood, all mortgaged to secure the payment of the Peruvian foreign debt. An agent of a part of the Peruvian bondholders has been here for about five months endeavoring to secure an arrangement with the government by which the guano in question should be appropriated to the payment of the debt for which it was mortgaged, and the inclosed

order is the result. In diplomatic circles here this action of the Chilian Government in permitting the foreign bondholders of Peru to pay themselves from the conquered territory is very highly spoken of.

It occurs to me that there may be some question touching the ownership of guano shipped under this order in the absence of further action by the Chilian Government.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure with No. 133.]

Military order touching exports of guano from the occupied district of Peru.

JOSÉ A. VILLAGRAN, GENERAL IN-CHIEF OF THE ARMY OF RESERVE, &C.

The province of Tarapacá being occupied by the Chilian army, and in virtue of the powers conferred upon me by the Supreme Government, I decree:

That as the foreign holders of Peruvian bonds have solicited due permission from the Supreme Government to ship guano from the Peruvian deposits occupied by the arms of the republic, and there being no impediment to granting this permission, I decree:

ARTICLE 1. The foreign holders of Peruvian bonds are hereby allowed to extract guano from the Peruvian deposits occupied by the arms of the republic, under the following conditions:

1st. The bondholders shall name a committee or responsible business house to direct the operations;

2d. The Chilian Government reserves the power of intervention and of naming one or more functionaries to inspect, and if it be thought opportune, to direct the operations of extraction and shipment.

3d. The functionaries referred to in the foregoing paragraph shall dispatch the loaded ships to Valparaiso, whence they cannot sail to a foreign port until the sum of 30*s*. per ton of guano on board has been paid into the custom-house.

4th. This payment shall be made in bills of exchange upon London, in favor of the Chilian Government and to its satisfaction; this payment shall be lowered to 20*s*. per ton, in case that the price of guano falls below £6 per ton.

ART. 2. The papers of the ships sent off shall be made out to the order of the firm of Messrs. Baring Bros. & Co., or to some other equally respectable firm, in case consignation is not arranged with them.

Until a contract of consignation be signed, the ships' papers shall be made out in favor of the Chilian minister and plenipotentiary in Europe, and of James Croyle, esq., and Sir Charles Russell.

ART. 3. The consignee or consignees of the guano shall proceed to sell the cargoes, and, after deducting the sums expended, be it in the obtaining of this permission, be it in payment of the debts referred to in article 1, or be it to repay the shipping expenses, or in other similar objects, the remainder shall be divided between the foreign holders of Peruvian bonds, in whose favor the guano deposits have been mortgaged.

PROVISIONAL ARTICLE. Until the committee, mentioned in article 1, be named, Mr. John Proctor is authorized to arrange provisionally the mode of shipment, he being empowered to use for that purpose the material in possession of the government.

Let this be published, noted, and communicated.

J. A. VILLAGRAN.

No. 77.

Mr. Evarts to Mr. Osborn.

[Confidential.]

No. 85.] DEPARTMENT OF STATE,
Washington, March 9, 1880.

SIR: The indications which reach this government from trustworthy sources, and among others from the legation at Lima, point to uneasi-

ness on the part of the governments of Great Britain, France, and Germany, with respect to the duration and tendency of the existing South American war, and to the exertion of considerable pressure by them on the contestants, and especially on Peru, to induce a speedy termination of the struggle.

It is not thought that this movement looks to a removal of the projected intervention in settlement of the quarrel, which was in contemplation last year. It is rather more probable that the almost continuous successes of Chili hitherto, and the distracted internal condition of her principal opponent, may induce the European powers to use effective arguments to bring about a practical surrender on the part of Peru and Bolivia. On the other hand, it is possible that the pressure in favor of a settlement, of mutual advantage to the commerce of those countries with the three States at war, may be exerted at Santiago as well as at Lima and La Paz, and that such arguments may be supported by suggestion of intervention if not accepted.

If, however, any renewal of the idea of European joint intervention should take shape, it is conceived that its application would encounter resistance on the part of all three of the belligerent governments, and that in such a contingency they would more naturally turn to the United States for counsel and arbitration.

Chili, as well as Peru and Bolivia, is already aware of the disposition of this government with regard to mediation, and its willingness to act as peacemaker if assured by all the parties to the struggle that its peaceable intervention would be acceptable and unhampered by any conditions in disparagement of belligerent rights. It is, therefore, at the present time unnecessary to again instruct you on this point, further than to observe that should the pressure of foreign governments upon the combatants tend to assume a coercive character, your attitude should be such as to facilitate a joint and friendly resort to the good offices of the United States. In such an event, requiring prompt action, perhaps, before the instructions of this government could be asked and received, the Department would place much reliance upon your own good judgment.

An instruction identical with the present is sent by to-day's mail to Mr. Christiancy, at Lima, and Mr. Pettis, at La Paz, with whom you are counseled to continue the friendly conferences and consultations by letter which have heretofore been so beneficial to the conduct of the intimately related affairs of your respective legations.

I am, &c.,

WM. M. EVARTS.

Same to United States minister, Peru.

No. 78.

Mr. Evarts to Mr. Osborn.

No. 87.] DEPARTMENT OF STATE,
Washington, April 13, 1880.

SIR: I have to acknowledge the receipt of your No. 132, in which you inclose a copy of a note from the Chilian minister of foreign affairs, soliciting the friendly offices of the legations of the United States at La Paz and Santiago, in securing an exchange of prisoners of war between

Chili and Bolivia, and to say in reply that Mr. Adams, who succeeds Mr. Pettis in the mission to Bolivia, presently departs for his post at La Paz, and will be instructed in the direction desired. The person in charge of the archives of the legation at La Paz is not authorized to act in a diplomatic sense.

I am, &c.,

WM. M. EVARTS.

No. 79.

Mr. Evarts to Mr. Osborne.

No. 88.] DEPARTMENT OF STATE,
Washington, April 14, 1880.

SIR: I have to acknowledge the receipt of your No. 131, communicating information of the order made by the Chilian minister of war and marine to the chief officer of the navy to bombard all cities and towns and destroy all moles and launches of the enemy, where practicable, and in reply to approve the spirit and purpose of your note (a copy of which you inclose), to the minister of foreign relations of Chili on the subject of that order.

Commending the method you employed of expressing your views in the premises by a separate note rather than in connection with your colleagues, I conclude by observing that this government desires you to make every proper effort to restrict to collisions of a military character the cruelties and destruction of life and property involved in the prosecution of this deplorable war.

I am, &c.,

WM. M. EVARTS.

No. 80.

Mr. Evarts to Mr. Osborn.

No. 89.] DEPARTMENT OF STATE,
Washington, April 23, 1880.

SIR: I transmit herein for your information a copy of a late instruction* sent to Mr. Adams, the newly appointed minister of the United States to Bolivia, respecting a proposition of Chili, touching an exchange between those countries of prisoners of war.

I am, &c.,

WM. M. EVARTS.

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*See Mr. Evart's instruction to Mr. Adams, *ante*, document No. 22.

No. 81.

Mr. Asta-Buruaga to Mr. Evarts.

[Translation.]

LEGATION OF CHILI IN THE UNITED STATES,
Washington, April 24, 1880. (Received April 26.)

SIR: In the conference which I yesterday had the honor to have with your excellency, in relation to the war in which my country is involved with Peru and Bolivia, you informed me that you had received official advices from the former of those republics, to which, in view of their gravity, you deemed it indispensable to call my attention.

By those advices your excellency was informed that the corvette Chacabuco and the transport Loa had appeared, on the 10th of March last, off the island of Lobos de Afuera, and that after notifying the governor of the island of the object of their visit, they had proceeded to burn and destroy the wharf, platforms, cars, boats, and other appurtenances of the port, and to take on board everything movable that they could find on the island, including mules, horses, cattle, and provisions, belonging both to the company which is engaged in taking guano there, and to the store of the parties who supply it with provisions (over which the flag of the English consul was floating), without leaving anything on the island for the inhabitants to eat, save a quantity of rice and jerked beef sufficient to last them for eight days; that the commander of the Chilian vessels had declared, on performing these acts, that he had positive orders to take whatever he could find, to await re-enforcements, and then to destroy all the ports of Peru between Paita and Callao. Finally, that without any provocation on the part of the inhabitants, and without any warning to them, shots had been fired at their dwellings.

Your excellency further informed me that you had also received official advices that instructions had recently been issued by the ministry of war and marine to the Chilian squadron in the sense stated by the aforesaid commander, and that you were likewise informed that, as regarded those orders, representations had been addressed to the Government of Chili by the diplomatic ministers accredited to it, in behalf of neutral interests in Peru and Bolivia; your excellency observing that, in view of this intelligence, and since it was proposed to destroy property in those ports, ninety per cent. of which was understood to belong to foreigners, a large proportion belonging to North American citizens was thereby endangered, for which reason you requested me to give you some satisfactory explanation concerning the nature of these proceedings, and the reasons which had led to the adoption of such extreme war measures, since such acts of hostility affected not only the combatants and other inhabitants, but also neutrals, whose property and commerce thereby received injuries for which it was the duty of their respective governments to demand reparation, in the interest of their citizens. Your excellency remarked that you referred to this state of things in order that I might call the attention of my government to it, as likewise to the view which was taken of its action, reminding me that during the course of this war the government of this country had uniformly maintained strict neutrality, notwithstanding the fact that it had been urged, in various quarters, to assume a different attitude.

To all the above statements made by your excellency in the aforesaid

conference, I had the honor to reply that I had no knowledge of the facts alleged, but that I would refer them to my government, together with your excellency's observations, feeling confident that it would hasten to rectify the inaccuracy with which I thought that those facts had reached your excellency, and to manifest the legitimacy with which hostilities are adopted, even to a rigorous degree, under the present circumstances of the war, for the purpose of completely subduing the enemy.

I nevertheless think it proper for me, in the mean time, to give you an idea of the line of conduct that has been followed in this war, in which Chili was forced to engage in defense of her rights.

In the early part of the war, Chili carried on hostilities against the two allied republics with extreme mildness, respecting the property of her enemies even to excess. She made war, arms against arms, without the rigor which is authorized by a state of war, or by the necessity of putting a speedy end to a deplorable and ruinous struggle, in order to re-establish peace on a solid and permanent basis. The prevalence of a state of war allowed her, however, within the sphere recognized by civilized nations, to disable and destroy her armed enemies, and whoever in any way, even incidentally, took part in warlike operations against her; to render useless or destroy any property belonging to her enemies, and any means of communication and traffic; to deprive the enemy of all resources, provisions, and means of subsistence, and, if military necessity required it, to extend her action with the same legitimacy to all inhabitants and property in the hostile country, so as to render it unable to continue hostilities.

A precedent for this course is found in the war in this country in 1861–'65, and in the recent European wars.

Chili did not do so. She now, however, finds herself obliged to comply with the demands of a military necessity, although she is careful not to disregard the dictates of humanity and the precepts of international law; she is obliged to do so by the conduct of her enemies, who, as is shown by Peruvian official documents, conduct hostilities on land by illicit means, and carry on an irregular warfare with armed prowlers. Nothing, therefore, remains for my government but to adopt severe repressive measures against hostilities of that character, in order not to prolong the contest indefinitely, at an immense sacrifice of blood and treasure, and to the great detriment of even foreign commerce. Under these circumstances, it is not strange if Chili has ordered the bombardment of armed ports whence resources are procured for the enemy, or that she should cripple the activity of railways and other means of communication which enable him to transport troops and munitions of war; nor is it strange that she should order the destruction of wharves, apparatus, and material intended to facilitate the loading and unloading of vessels, and to serve to maintain establishments like that of the island of Lobos, from the working of which the government of Peru derives means to continue the war. Those establishments, moreover, in several of the ports, even if controlled by neutrals residing there or associated with enemies, partake of the same hostile character.

If, through hostilities which are performed through military necessity, the property or interests of foreigners residing in the enemy's country are injured, it is an evil similar to many others which emanate from the exceptional condition of a state of war. My government, however, has endeavored to avoid, as far as possible, doing injury to neutrals residing in the territory of the enemy, and I make bold to assert that it cannot be justly charged with doing anything detrimental to those interests without imperious necessity. Nevertheless, it is a recognized rule of

international law that if a neutral suffers injury through the unavoidable hostile acts of a belligerent, he does not thereby acquire a claim to indemnity; because, if he has preferred to continue or comes to reside in a belligerent country after the commencement of hostilities, it has been his intention to submit to all the contingencies consequent upon a state of war.

There is still another circumstance to which I will take the liberty of calling your excellency's attention, and it is that the bulk of the property in the ports of Peru has been transferred, perhaps surreptitiously, to foreign hands since the beginning of the war, with a view to investing it with a neutral character, which explains why so large a proportion of that property has been represented to you as belonging to foreigners.

Yet, in spite of all, I can likewise assure your excellency that the Government of Chili, with the fairness and justice that characterize it in its dealings with friendly nations, will not refuse to make such reparation as may be called for by sound reason and the recognized principles of international law, and it hopes that the claims which it may prefer on account of the acts of foreign citizens during the war will be considered in the same spirit of reciprocity.

Hoping, sir, that the contents of this note will be satisfactory upon some of the points which formed the subject of our yesterday's conversation, until I shall have reported them to my government, so that it may explain them more fully, I have the honor to avail myself of this occasion to reiterate to your excellency the assurances of my most distinguished consideration.

F. S. ASTA-BURUAGA.

No. 82.

Mr. Osborn to Mr. Evarts.

No. 143.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 30, 1880. (Received June 5, 1880.)

SIR: Referring to your dispatch No. 83, concerning the destruction by the Chilian fleet of certain property of the American Oil Company at Talara, Peru, and the seizure at the Lobos Islands of a launch attached to an American tug-boat, I have to inform you that the instructions therein contained have been duly observed.

The information which I have been enabled to obtain, bearing upon this subject, is exceedingly meager, yet I judge that I am sufficiently acquainted with the facts to warrant the conclusion that the destruction of the property at Talara, at least, was without justification. Talara is far removed from the field of actual military and naval operations, and if the property destroyed had been used, or if it was in condition to be used, to further the prospects of Peru in the war, I am not advised thereof.

My information in regard to these matters is limited to a copy of the letter of Consul Mountjoy written to Mr. Christiancy, under date of January 3. By referring to your copy of this letter you will see that the information furnished, touching the affairs at Lobos Islands, is based entirely upon a conversation with a Peruvian official at that point, and while it may be correct in every particular, I am as yet without testimony confirming it. It is true, however, that this government

has asserted from the beginning of the war that Peru should not be permitted to export guano or niter, and to that end has insisted upon the right to destroy in the various ports used for these purposes the means by which these articles have been loaded. Early in the war her navy destroyed the moles and launches at the guano deposits of Pabellon de Pica and Huanillos. The loss was very great, and the owners, who were British subjects residing in Great Britain, had the earnest support of their government in an effort to obtain assurances from Chili that they should not be again molested if they should repair their moles and launches. The note of Lord Saulsbury was, I am credibly informed, somewhat dictatorial in its tone, but it accomplished nothing. The guano deposits are, it will be borne in mind, the property of the Peruvian Government, and it was contended here that Peru relied upon the exportations from them for means with which to carry on the war. That Peru has been very materially crippled in the finances by Chili's course in this matter will not admit of a doubt.

The Lobos Islands contain large beds of guano, and I infer that the launch referred to was seized to prevent its being used in loading that article.

I may add that the naval officer under whose immediate direction the acts complained of were committed was a rash man, and that he has since paid with his life for his excessive temerity.

I have reason to believe that the government has cautioned its naval officers against a repetition of such scenes as that at Talara. But while the war lasts I feel confident that Chili will endeavor to maintain her position regarding the exportation of guano.

I have, &c.,

THOMAS A. OSBORN.

No. 83.

Mr. Osborn to Mr. Evarts.

No. 148.] LEGATION OF THE UNITED STATES,
Santiago, Chili, May 20, 1880. (Received June 26.)

SIR: For your information I inclose a copy of a communication written by me to Mr. Christiancy, regarding the war between these republics, in which I have discussed somewhat briefly the prospects of peace, the probabilities of intervention by the European powers, and the methods by which our government could make its good offices available if our friendly mediation should be desired by the belligerents, and I wish especially to direct your attention to what is said on the latter branch of the subject, beginning on page 4.

It seems to me plain that if friendly mediation should be agreed upon, an early conference of duly empowered representatives of the belligerent governments would be a necessity. A discussion of the questions at issue could hardly be carried on in any other manner. The distance intervening, and the difficulties in the way of communicating by mail, would, in my judgment, render impracticable the holding of such conference at Washington, and I conclude that some point on this coast would be fixed for its sessions. You will observe my suggestions as to the course which should be observed by our diplomatic representatives in connection with such conference if it should take place. We could not expect to be of much service to the belligerents in arranging their difficulties

unless some authorized representative of our government could be present at the conference and assist therein, and the course suggested seemed to me the most practicable in the absence of instructions from the Department on that point. If peace could be secured without resorting to the conference, of course it should be done, but I do not regard such a result as probable.

Should my views on this subject be in harmony with those of the State Department it might be well, I respectfully submit, that the aid of the Navy Department should be solicited in carrying them into effect. In the contingency referred to it seems to me that the representatives of the Government of the United States having in charge this business should have at their disposal a naval vessel.

My suggestions are all made, of course, in contemplation of the contingency spoken of—a contingency which is liable to happen at any time, and which may, on the other hand, never occur.

I fail to discover any evidence here of a disposition on the part of the European powers to dictate to this government regarding the settlement of this controversy. Should such disposition manifest itself, however, and should it tend in the direction of armed intervention, I do not doubt that this government would solicit counsel and advice from the United States. It is unnecessary, I judge, that I should assure you that your instructions on this subject, embraced in your No. 85, shall be carefully observed.

It may be added that the Government of Chili is fully informed as to the willingness of that of the United States to use its good offices in the way of friendly mediation for the purpose of bringing about a peace when it shall be assured that its services to that end would be acceptable to all the belligerents.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 148.]

Mr. Osborn to Mr. Christiancy.

LEGATION OF THE UNITED STATES,
Santiago, Chili, May 13, 1880.

SIR: There prevails here to some extent among well-informed people an impression that following the battle which will probably be fought in a few days at Tacna, if its result should be favorable to Chili, negotiations between the belligerents will be opened, having in view the accomplishment of peace. The government officials have not discouraged the growth of this sentiment, and I am credibly informed that the President has stated that after this battle a proposition will be submitted to Peru for its consideration. I have no special means of knowing the terms of the contemplated proposition, but judge that it will include a relinquishment by Peru in some form of the province of Tarapacá. It could not do less and meet with the popular approval. Possibly, it may in substance contemplate an acknowledgment by Peru of an obligation to pay Chili's expenses in the war, and the right of the latter to occupy Tarapacá until such payment shall be made.

It is possible, however, if not probable, that the government may change its mind, and that no proposition whatever will be made. If the allies should be successful in the battle, an event which is not regarded as possible here, of course the idea would be abandoned. You best know how the terms suggested would be received by Peru, but my impressions incline me to the belief that they would not be accepted. It occurs to me, however, that perhaps an arrangement might be made which would acknowledge the obligation of Peru as above stated, but should leave the settlement of the amount of the expenses, together with the determination of all rights and equities in the nitre and guano in the district referred to, to arbitration. I merely suggest this that you may give it thought, if you think it worthy of consideration. Such a project would, I judge, receive the moral support of the European powers, and I know of no

reason why it should not be favorably looked upon by our government. The arbitrator would, I assume, be the United States, in case a resort to arbitration should be had upon any basis.

Now as to mediation. As I have written you heretofore, there is no evidence here, in so far as I can observe, of a contemplated intervention by the European powers, and but for the instruction from the State Department, of which I have spoken in a former communication, I should regard the probability of such a proceeding at this time as exceedingly doubtful. In view of this instruction, however, I feel constrained to regard the contingency as liable to occur. I assume that, in such an event, the good offices of our government would be very acceptable to all of the belligerents. It occurs to me, then, that we should endeavor to arrive at some understanding regarding the means by which the friendly mediation of our government can be made available. Prompt action would doubtless be required, and it is therefore important, in my judgment, that we should by comparison of views labor to comprehend each other fully, and to place ourselves in perfect accord.

Upon the tender and acceptance of the good offices of our government it strikes me that the first thing to be done is to bring about a conference at some suitable point of duly empowered representatives of the belligerent governments.

At this conference the United States ministers in the belligerent countries should attend and assist, and it might be convenient and proper to hold it on an American man-of-war. Our naval commanders would doubtless accede to any proper request which might be made of them in this connection. It may become very important that communications between our respective legations should be transmitted at a more rapid rate than the mails are carried. In such a contingency I do not doubt that our naval officers would afford us all proper assistance. You are in the vicinity of the seat of war, and will probably be informed of any movement in the direction indicated before knowledge of it can reach me.

If at any time it shall appear that the Government of Peru is ready to accept friendly mediation by the United States on the basis suggested by the State Department, I trust you will not fail to cause me to be promptly informed thereof; and I will thank you also for any information which you may give me concerning the disposition of Bolivia in this regard. As I understand it, neither of them has as yet signified its desire to that end. This is true also of Chili, but I feel quite confident that if I could positively assure this government that Peru and Bolivia were desirous of our good offices, an expression of its willingness to accept would not long be withheld.

I beg that you will write me generally on the matters herein discussed. I shall send a copy of this communication to the State Department for its information.

Very respectfully, &c.,

THOMAS A. OSBORN.

P. S.—I observe that a new minister has been appointed for Bolivia. The difficulties attending the transmission of communications from here to La Paz are very great, and it appears to me that the burden of conducting the correspondence with that legation on this subject will necessarily fall upon you.

Yours, OSBORN.

No. 84.

Mr. Osborn to Mr. Evarts.

No. 149.] LEGATION OF THE UNITED STATES,
Santiago, Chili, May 21, 1880. (Received June 26.)

SIR: Pursuant to an invitation from the minister of foreign relations, I to-day had an interview with him concerning our consulate at Iquique. The Chilian military governor at that point, Captain Lynch, has repeatedly charged that Dr. Merriam was unfaithful to his obligations as a neutral, and that his consulate was being used in the interest of Peru in the present war. In a conversation which we had some six weeks ago, Captain L. stated that he was quite confident that Merriam had taken advantage of his position to afford the Peruvian Government means of communicating with its southern army at Arica. Merriam, knowing of the suspicions concerning him, addressed me a letter denying that he had been guilty of any impropriety. There the matter rested until to-day, when the foreign minister told me that he had positive evidence

that our consulate at Iquique was being used as had been charged by Captain Lynch.

I replied that I did not doubt that Merriam's sympathies were on the side of Peru, for his wife and children were Peruvians; but if he was at liberty to give me the evidence upon which he based his conclusion I would be obliged to him. In reply, he said there was no doubt of the facts, and he then sent for and exhibited to me an official envelope addressed to the minister of war at Lima, in which was contained an official letter, signed by General Montero, the Peruvian director-general of the war at Arica. "This," said he, "was in transit to Consul Merriam for the purpose of having it forwarded to Lima by the mail steamer;" but just how the government got possession of it he did not tell me. The minister says the government is much displeased with the conduct of Consul Merriam, and he thinks he should be promptly removed from his position. In this opinion, in view of the evidence submitted to me to-day, I fully concur, and it seems to me that his displacement cannot be too soon brought about. There are several Americans in Iquique who are competent for the position, either one of whom would, I judge, take temporary charge of the consulate if asked.

By this mail I write to Mr. Christiancy on the subject. If the Iquique consulate were recognized as being within the supervision of this legation, I would not hesitate a moment to place it in temporary charge of another person, as the minister politely requested I should, but under the circumstances I have deemed it prudent to confer with my colleague at Lima.

I have, &c.,

THOMAS A. OSBORN.

No. 85.

Mr. Hay to Mr. Osborn.

No. 98.] DEPARTMENT OF STATE,
Washington, July 15, 1880.

SIR: Referring to your No. 131, touching your action with respect to the order of the Government of Chili as to the prosecution of the war with Peru and Bolivia, I have to observe that no reply to your note to the foreign office at that juncture has yet been communicated to the Department, and to inquire if any has been received by you, or if any of your colleagues have been since addressed on the subject, so far as you are aware.

I am, &c.

JOHN HAY,
Acting Secretary.

No. 86.

Mr. Evarts to Mr. Osborn.

[Telegram.]

WASHINGTON, *July* 29, 1880.

OSBORN, *Minister, Santiago, Chili:*

Press upon Chilian Government our desire to aid in restoring peace on honorable terms between nations to which we are sincerely and equally friendly. A like instruction is sent to-day to Lima.

EVARTS,
Secretary.

No. 87.

Mr. Evarts to Mr. Osborn.

No. 101.] DEPARTMENT OF STATE,
Washington, July 30, 1880.

SIR: I have to acknowledge the receipt of your dispatch, No. 148, of the 20th May last, in which you inclose a copy of a letter addressed by you to Mr. Christiancy in reference to the prospects of peace between the contending powers on the Pacific coast, and suggesting a method by which the Government of the United States might make its good offices available in the way of mediation. On the 29th instant I telegraphed you as follows:

> Press upon Chilian Government our desire to aid in restoring peace on honorable terms between nations to which we are sincerely and equally friendly. A like instruction is sent to-day to Lima.

The Department approves the tenor of your letter to Mr. Christiancy, above referred to, and will so inform that minister by to-day's mail.

I am, sir, &c.,

WM. M. EVARTS.

No. 88.

Mr. Osborn to Mr. Evarts.

No. 155.] LEGATION OF THE UNITED STATES,
Santiago, Chili, August 4, 1880. (Received September 17.)

SIR: I inclose a copy of a letter which I have written to Mr. Christiancy regarding some movements made here by a portion of the European legations, with a view of removing the obstacles to peace, and I beg of you to regard it as a part of this dispatch.

The legations which took part in the movement were those of France, Italy, and Great Britain, but the minister of the latter took but little interest in it and seemed to regard it as futile. There was nothing which indicated even in the remotest degree a disposition on the part of the European powers to dictate terms to Chili, nor was there the slightest evidence of an intention to urge a peace except with the full and free consent of the belligerents. In answer to a suggestion from me, the

Italian minister said quite emphatically that European intervention with force was not to be thought of.

I am not aware that the German minister, Baron von Gülich, was consulted in this matter. He is about to depart for his home in Europe on leave of absence, and I therefore conclude that the German Government has in contemplation no movement of an extraordinary character in this part of the world. I see no reason to hope for an early conclusion of the war. Public opinion here emphatically demands Tarapacá, and I fear that Peru is determined to continue the desperate and apparently hopeless struggle rather than cede it. This fear is based, in part, upon the fact that my suggestions to Mr. Christiancy, under date of May 13, have met with no response from him.

There are some men of influence here who would welcome a peace without exacting the district of territory mentioned, but they see fit to reserve their views to this effect from the public. A successor to President Pinto is to be elected in April next, and the desire of the party in power to continue in control has tended to make of an exceedingly careful administration a timid one. The government is inclined to follow public opinion rather than to attempt to lead it.

The army has been remitted to its strength prior to the late battles in Southern Peru, and I judge that it now contains about 25,000 effective men. Much discontent pervades it at the delay of the government in giving the order to march on Lima. The government is, for obvious reasons, exceedingly desirous of avoiding a campaign against Lima, and will, I judge, for the present occupy the army with expeditions to Northern Peru.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 155.]

Mr. Osborn to Mr. Christiancy.

LEGATION OF THE UNITED STATES,
Santiago, Chili, July 31, 1880.

SIR: During the present week there has been considerable discussion here among members of the diplomatic corps, and between some of them and the President and his advisers, regarding the difficulties which stand in the way of a peace between these countries. The discussion seems to have originated in the receipt of advices, by some of the European ministers, from their colleagues in Lima, from which it is inferred that President Piérola is desirous of peace, and that he would be willing to enter into negotiations for its accomplishment, even though he might know that it would cost him the province of Tarapacá. I need not say to you that I was not of those who so presented the matter to the government here. The fact that the suggestions upon this subject, contained in my letter to you of May 13, have elicited no response, was strong evidence to my mind that, however much I might wish it otherwise, my friends in the European legations had been misled touching the disposition of Peru. However, be the information well founded or otherwise, by means of the conferences referred to a definite understanding has been reached regarding the basis upon which Chili will consent to enter into negotiations. President Pinto directed that the details of the conferences should be laid before me, and I am, therefore, able to put you in possession of the conclusions reached. I will state them as briefly as possible.

President Pinto is anxious to conclude a peace, and will appoint ambassadors for that purpose, with full powers, when he shall be assured from an authoritative source that President Piérola is alike anxious and that he is desirous of entering into negotiations.

Before arriving at a definite conclusion in the affirmative, however, President Piérola should be fully advised of the conditions which Chili will impose. In consideration of the injuries sustained by Chili, by reason of the war, she will insist upon retaining the province of Tarapacá. No other conditions will be imposed, but she will withdraw from the country now occupied by her army in the neighborhood of Arica, mak-

ing the river Camarones the line of division between the two countries. She will respect private rights in the province mentioned as the same are defined by the authorities on international law regarding territory similarly acquired. Antofagasta and the ports to the north thereof will be made, for the purposes of Bolivian commerce, free ports.

That is all. There is, it is true, quite a sentiment here demanding that other and more severe conditions should be imposed, and I am quite sure that the government will subject itself to much censure if it shall conclude the war on the basis suggested. It is possible that these terms are quite as liberal as the government would dare to subscribe to in the condition in which we find public opinion. President Pinto expresses himself quite averse to the imposition upon Peru of humiliating conditions, and I am convinced that he is disposed to exact no more than the circumstances seem to require. Nothing was said regarding Bolivia, except that she could have free commerce as stated. The disposition of her government does not seem to have been considered.

Now, as to the assurances demanded as to Peru's purposes. What the government here requires, before proceeding with the appointment of ambassadors, is a positive assurance from one or more of the foreign legations to the effect that the Peruvian Government is sincerely desirous of peace and is ready to negotiate as before stated. The authority to give such assurance must be derived, of course, from the conference of their colleagues in Lima with the government there.

If there should be a conference of ambassadors, Chili would not object to its taking place on board a neutral man-of-war at any point on the coast, but Arica would seem to be the most desirable point. If such conference should include all the belligerents, by all means it should take place on an American ship. Some of the European ministers here, who have more faith in this movement than I have, would, I am informed, be pleased to appoint the conference on a European man-of-war.

I still think that mediation suggests the most feasible way out of this difficulty. Now that the allies are to be informed of the terms which Chili will impose, they will be able the more intelligently to consider whether they can be served by mediation or not. I think it highly probable that, through mediation, other and more satisfactory terms, perhaps, could be obtained for Bolivia. On this point, however, I do not speak by authority. * * * Public sentiment here is quite the reverse of hostile to Bolivia, and I infer that the government would welcome a settlement on terms which should promise a lasting peace.

Simultaneously with this will go forward letters from the European ministers to their colleagues in Lima, touching the matters herein discussed. The Italian and French representatives seem to have been the most active in the matter, but I hear the opinion of Mr. St. John, of the British legation in Lima, quoted as a reason for the hope that the Peruvian Government will be found ready to treat on the terms proposed.

Tarapaca has been the bane of Peru, as it will be also, I fear, of Chili if she shall continue to retain it. Congress and the press are already almost exclusively occupied in the discussion of subjects pertaining to it, and it threatens to become a source of serious trouble to the country. Chili makes a great mistake in reaching out for it, in my judgment, on more accounts than one. Peru without it is infinitely better off than with it. It strikes me that Peru has a grand future before her if she can but have peace. She has had many difficulties to contend with in the past, the most of which were the outgrowth of Tarapaca. With that cause removed, she only needs peace to insure her prosperity and greatness.

Very respectfully, &c.,

THOMAS A. OSBORN.

No. 89.

Mr. Osborn to Mr. Evarts.

[Telegram.]

SANTIAGO, *August* 11, 1880. (Received August 13.)

EVARTS, *Washington:*

Chili will accept mediation in form suggested my dispatch May twentieth.

OSBORN,
Santiago.

No. 90.

Mr. Osborn to Mr. Evarts.

No. 156.] LEGATION OF THE UNITED SEATES,
Santiago, Chili, August 12, 1880. (Received September 25.)

SIR: On the 6th instant I received the following telegraphic message, without date, to wit:

OSBORN, *Minister, Santiago:*

Press upon Chilian Government our desire to aid in restoring peace on honorable terms between nations to which we are sincerely and equally friendly. A like instruction is sent to-day to Lima.

EVARTS,
Secretary.

Later in the day I had an interview with President Pinto and Mr. Valderama, the foreign minister, regarding the subject of your message, in the course of which I urged in as strong terms as seemed prudent the propriety of the belligerents calling to their aid in the present emergency the friendly efforts of our government. The President expressed his gratitude for the generous and friendly manifestations by the United States, but spoke of the long distance intervening and the difficulties in the way of communicating between Santiago and Washington, as serious obstacles in the way of mediation. After considerable discussion the President expressed himself satisfied, personally, with the form of mediation suggested by me to the Department in my dispatch No. 148, of the 20th of May last, and said that he would consult his advisers, and inform me as soon as possible if mediation on that basis would be accepted. I was careful to inform him that I was not prepared to say positively that the mode proposed would receive the sanction of my government, but that I trusted soon to hear that my suggestions to that end had been favorably considered.

On the 10th instant I had a further interview with Minister Valderama, and received from him the assurance that mediation in the form suggested would be accepted by Chili. We therefore agreed upon a memorandum of the interviews referred to, a copy of which I inclose.

The minister concurred in my suggestion to the effect that a formal tender of mediation should be deferred until I could be further informed regarding the purposes of the other belligerents, and until advices should be received from Washington touching the proposed manner of proceeding. If, therefore, you have not already instructed me in this matter, it might be well, upon the receipt of this, to do so briefly by telegraph.

On the 11th instant I telegraphed you as follows:

EVARTS, *Washington:*

Chili will accept mediation in form suggested my dispatch May 20.

OSBORN.

I have also written to Mr. Christiancy and to Mr. Adams, informing them of the result of my efforts.

If mediation should take place in the manner suggested, you will not fail to see the importance of having the hearty co-operation of the Navy Department.

A source of some embarrassment to me in this exigency is my seeming lack of reliable information from Peru and Bolivia. I have nothing upon this subject from the legation in Lima later than May 7. The fact that Mr. Christiancy has not deemed it necessary to communicate

with me would seem to indicate that the situation there has remained unchanged.

I have, &c.,

THOMAS A. OSBORN.

P. S.—AUGUST 13. I am just in receipt of a letter from Mr. Christiancy, under date of July 14. He thinks Chili should take the initiative in a movement toward peace. This she has now done in accepting our mediation. The movement suggested might prove a failure, but I believe that if the door to negotiation can once be thrown wide open under the influence of our mediation, eventually a peaceful solution will be reached.

Respectfully, &c.,

OSBORN.

[Inclosure in No. 156.]

Memorandum of conferences.

On the 6th of August, 1880, Mr. Osborn visited President Pinto and Minister Valderama touching the subject of mediation by the United States in the present war, and after some general conversation in which the President expressed himself as desirous of arriving at an early peace, Mr. Osborn read from a telegraphic message which he had received from Mr. Evarts, Secretary of State of the United States, instructing him to press upon the Chilian Government the desire of the United States to aid in restoring peace.

The President expressed his gratitude to the Government of the United States for its kindness, but thought that the great distance intervening and the difficulties in the way of mail communication presented obstacles to prompt action, if mediation should mean a reference of all matters to Washington.

Mr. Osborn replied that he understood that the United States Government was desirous of serving the belligerents in whatever way might seem best calculated to produce the desired result and as might to them seem advisable, but that, anticipating the force of the suggestions of President Pinto in May last, he had written to the government at Washington and to his colleague in Lima suggesting that, if the United States should be called upon to mediate, in his judgment, the best mode of proceeding would be to request the belligerent governments to appoint duly empowered ambassadors to meet at some point on their coast, on board an American man-of-war, and there to confer regarding the settlement of their difficulties in the presence of and with the advice and assistance of such ambassador or ambassadors as the United States Government might designate for that purpose. To his dispatch to the foregoing effect Mr. Osborn stated that he had not yet received an answer, but that he believed his suggestions would prove acceptable to his government. President Pinto and Minister Valderama expressed themselves as satisfied with the form suggested for mediation, and the President, after a conference with his advisers, caused Mr. Osborn to be informed, in another conference with Minister Valderama, on the 10th of August, that the Chilian Government would be pleased to accept the services of the United States Government in the capacity of a mediator in the form by Mr. Osborn suggested.

SANTIAGO, *August* 10, 1880.

No. 91.

Mr. Hay to Mr. Osborn.

[Telegram.]

WASHINGTON, *August* 17, 1880.

OSBORN, *Minister, Santiago, Chili:*

Your telegram received. Instruction sent to Christiancy, asking views of Peru. Your action approved and your earnest attention to the matter urged.

HAY.

No. 92.

Mr. Osborn to Mr. Evarts.

No. 160.] LEGATION OF THE UNITED STATES,
Santiago, Chili, August 26, 1880. (Received October 11.)

SIR: Referring to your instruction No. 83, concerning the destruction by Chilian naval vessels of property belonging to American citizens at Talara, Peru, and at the Lobos Islands, and to my dispatch No. 143 on the same subject, I have the honor herewith to inclose an English translation of a note, with accompanying documents, from the Chilian minister of foreign relations, in answer to one from me dated April 30 last, a copy of which was transmitted to the Department with my No. 152.

It will be seen that the subject of my note was referred to the minister of marine for explanation, and that that officer in turn directed the commanding officer of the Chilian fleet to report touching the matters complained of. The note of the minister of marine embraces a report from the admiral, and is accompanied with a statement from the second officer of the cruiser Amazonas, touching the affair at Talara.

It is alleged in justification of the burning of the launch at Talara that it was entirely abandoned; that it bore evidences of having been used as a coal-hulk, and that the circumstances were such as to warrant the Chilian officials in concluding that it was being used for such purpose by the enemy.

Regarding the affair at Lobos Islands, the admiral says that only such launches were destroyed as belonged to the company engaged in loading guano, and that no indignity was offered to any neutral flag.

No proofs have been received at the legation in support of any claim for damages on account of those affairs, and I have not therefore deemed it necessary to present anything further to the government here on the subject.

I judge that the main purpose of your instruction has been accomplished in the very observable growth of respect for neutral interests in this section.

My note of the 30th of April, referred to, also called the attention of the government to some alleged outrages upon one Campbell, an American citizen, by the Chilian soldiery, at Mollendo, of which subject your instruction No. 90 treated. I am assured by the foreign office that the commanding general of the Army has been directed to make inquiry regarding this affair, but I have no information yet of his having reported thereon.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 160.—Translation.]

Mr. Valderama to Mr. Osborn.

REPUBLIC OF CHILI, DEPARTMENT OF FOREIGN RELATIONS,
Santiago, July 27, 1880.

SIR: Referring to your note of the 30th of April last, relative to the destruction by the Chilian squadron, at the Lobos Islands and in the inlet of Talara, of certain property belonging to American citizens, I have the honor to place in your hands a copy of a note, with an accompanying document, which the minister of marine has remitted to me.

I approve, &c., &c.

MELQUIADES VALDERAMA.

[Inclosure 2 in No. 160.—Translation.]

Mr. de la Huerta to Mr. Valderama.

REPUBLIC OF CHILI, DEPARTMENT OF MARINE,
Santiago, June 28.

SIR: In answer to your note of the 8th ultimo, I herewith transcribe the report which the commander-in-chief of the squadron has given upon the subject thereof.

"Mr. MINISTER: In compliance with the orders contalned in your note of the 14th of May, in which you ask for information regarding some incidents which occurred on the coast of the north of Peru, which have caused a protest from the representative of the United States in Chili, I proceed to give you the explanations of the case.

"The facts to which the honorable minister refers took place in the expedition of the Blanco, the Amazonas, and the Loa, in search of a torpedo-launch belonging to the enemy. On the Peruvian coast, between Paita and Tumbes, was found hidden in a small inlet a launch in very bad condition, completely abandoned, and without any cargo or crew on board. It contained only a few empty barrels, which were considered useless. It was believed that that old and dismantled vessel was being used as a coal hulk by the enemy in their frequent voyages to Panama for the purpose of procuring war material, for which reason its destruction was deemed expedient. I have asked for a report from the second officer of the Amazonas, who destroyed the launch, and he has forwarded me the inclosed, which I herewith transmit. It would be very easy to direct an official investigation of this occurrence, and it will be made if you should deem it necessary.

"Having received orders to destroy the guano-loading appliances at the Lobos Islands as a measure necessary to deprive the enemy of his resources, this measure was carried into effect on the 27th of December, 1879. The only property destroyed were the large launches belonging to the loading company at the islands, the wharves, and platforms. It is, however, true that one or two of the captains of the merchant vessels at first alleged that the launches belonged to them. Subsequently they ackowledged that this was merely a subterfuge on their part to prevent the stoppage of their taking cargo on board. The same attempt was made at Pubellon de Pica, when the Chilian squadron carried into effect the same necessary operation. No act of violence or lack of consideration was perpetrated against neutral flags at the Lobos Islands. Only such launches were destroyed as from their size and condition showed conclusively that they did not belong to vessels.

"It has been a matter of regret to me during the present war that certain captains of neutral merchant vessels, whether from interest or sympathy with the enemies of Chili, in endeavoring to favor them, have sought to ignore the lawful rights of our navy in its hostile operations.

"I think that the foregoing will comply with your excellency's orders as far as I myself am concerned."

All of which I communicate to you for the purposes for which it may serve, inclosing you copy of the report of the second officer of the Amazonas, before referred to.

God protect your excellency.

GARCIA DE LA HUERTA.

[Inclosure 3 in No. 160.—Translation.]

Mr. Valverde to Mr. de la Huerta.

BLOCKADING SQUADRON OFF CALLAO,
June 13, 1880.

SIR: In compliance with your excellency's orders to report upon the destruction of a launch, which was burned by the cruiser Amazonas on her return voyage from Panama in December of last year, the undersigned, who was executive officer on board at that time, has to say:

That on the 24th of December of last year, at 10.30 a. m., upon doubling a point four miles north of Talara, in latitude 4.26 south, longitude 81.16 west, a launch was discovered concealed in a small cove. It was wholly abandoned, and showed no signs of having had a crew on board for a long time previous. It was half full of water, with no cabin on deck or below, without masts or spars, in very bad condition, and had some 50 old empty barrels in the hold. It showed signs of having been used for a coal-hulk, the deck being in very bad condition. The locality where the launch was discovered is some four or five miles to the north of some petroleum wells, which are at Talara. There were no indications of any inhabitants on shore. We discovered

this establishment while steering south at a distance of some five miles, and about an hour after having set fire to the launch, hence there was nobody on the spot who could have explained the fact of this launch being concealed and abandoned at that place, and serving as a coaling station for the enemy's transports in passing by that place on their voyages from Panama while engaged in the transport of arms. Furthermore, the torpedo-launch, which was coming for the enemy, was expected about that time, and it was to be supposed, for the reasons given, that the launch burned was intended for the service of the enemy. From inquiries which we made of one of the English steamers, and of some Italian fishermen who were on board at the time we passed Paita on our voyage to Panama, we knew that the Peruvian Government had no stock of coal at the former place.

The foregoing is all that I have to communicate in compliance with your excellency's instructions.

God protect your excellency.

ERNESTIO VALVERDE.

No. 93.

Mr. Osborn to Mr. Evarts.

No. 161.] LEGATION OF THE UNITED STATES,
Santiago, Chili, August 27, 1880. (Received October 11.)

SIR: On the 20th instant I received the following telegram:

WASHINGTON, *August* 17.

OSBORN, *Minister, Santiago, Chili:*

Your telegram received. Instruction sent to Christiancy, asking views of Peru. Your action approved, and your earnest attention to the matter urged.

HAY.

That the government here might know that my course upon the subject of mediation by the United States in this war had been approved by the government at Washington, and as well for the purpose of still further impressing them regarding your desires in this matter, I immediately caused the President to be informed of the contents of your dispatch. He was in Valparaiso at the time, but it was telegraphed to him in cipher, and he expressed himself in reply as much pleased therewith. It now only needs the consent of the allies to place our movement in active operation.

Upon the receipt of the above message I wrote to Mr. Christiancy at Lima, and to Mr. Adams at La Paz. My communications went north on the steamer which left Valparaiso on the 22d instant, that for Mr. Adams going under cover to the Chilian commanding general at Arica, who was instructed from here to forward it to La Paz by messenger.

I have nothing from either Lima or La Paz since I last wrote you on this subject, but am just now in receipt of a telegram from Consul Foote, at Valparaiso, informing me that Mr. Christiancy arrived there yesterday in the Wachusett, and that he is now on his way to Santiago by rail. I doubt if I shall be able to inform you by the mail steamer which takes this communication of the purposes or results of his visit.

A joint dispatch has been received here by the English, French, and Italian ministers from their colleagues in Lima, dated subsequent to the departure of the Wachusett, forwarded by French corvette to Arica, and thence by cable here, announcing the willingness of the Peruvian Government to appoint an ambassador to confer with one from Chili upon the request of the signers of the dispatch. This is in response to communications to the purport of the inclosure of my No. 155. I am assured that this government would prefer the mediation suggested by

us, and I judge that time will be given us to secure a response from Peru regarding the same. This dispatch may, however, cause us some embarrassment.

I have, &c.,

THOMAS A. OSBORN.

No. 94.

Mr. Osborn to Mr. Evarts.

[Extract.]

No. 163.] LEGATION OF THE UNITED STATES.

Santiago, Chili, September 2, 1880. (Received October 11.)

SIR: Mr. Christiancy has come and gone. The Wachusett, with him on board, sailed from Valparaiso on the 31st ultimo. I shall not presume to deal with his purposes in coming here. His own explanations thereof will doubtless be more satisfactory to the Department than anything that I might be able to offer. He undoubtedly hoped to further the prospects for peace, but I am not sure that his coming has not had a contrary effect. You can well understand that in the present excited condition of the public mind such an event could not occur without causing much commotion. The wildest of speculations have been indulged in regarding it. The politicians have taken hold of it, and if we are to judge from the tone of the press, what seemed easy ten days since regarding the settlement of terms, may yet present some difficulties. "To Lima!" is the popular cry now. Many influential men insist that a peace without going to Lima would prove an empty one, and I fear that this sentiment may gather sufficient strength to force the government to yield.

Personally, I was exceedingly pleased to meet Mr. Christiancy, and his visit was made as agreeable for him as possible. By the President and cabinet; as well as by other distinguished citizens, he was treated with much consideration. He left Lima before the arrival of my letters in reference to the action of Chili concerning mediation, or your telegrams on the same subject, and he was not, therefore, prepared to say what Peru would do. His impressions were, however, that the mediation already agreed to by Chili would be accepted by the belligerents, and he so told President Pinto. Soon after his return to his post I hope to hear that in this his judgment was correct, in which event the conference would be fixed for as early a day as possible, most likely about the middle of October; and it will probably be held on board an American man-of-war at Arica. This point is satisfactory to Chili, and Mr. Christiancy agrees with me in regarding it as the most suitable place.

Anticipating the assent of the other belligerents, this government has already determined upon the appointment of three ambassadors. Unless you shall instruct otherwise, our three ministers will attend as suggested in my dispatch of May 20. If this dispatch should not be delayed in its transmission, a telegram forwarded soon after its receipt would, I judge, reach me here before my departure for Arica, or such other point as may be determined upon for the conference; but I will arrange for the prompt forwarding of all telegraphic dispatches that may arrive during my absence. Upon the completion of the arrange-

ments for the conference I will telegraph you briefly, giving time and place thereof. Arica is in telegraphic communication with this point, and messages can be sent there direct from Washington when the connecting lines are in order.

Now, in conclusion, I venture to express the hope that during the continuance of the war in this section we shall have no more of these visits from our representatives accredited to other belligerent powers. We have had quite as many already as can prove beneficial to a proper understanding of the purposes of our government, and even more, I regret to say, than the preservation of the good name of our diplomatic service has demanded. My letters to Mr. Christiancy have been frequent, and he has had all needed information regarding the situation here. My communication to him of the 13th of May, of which you have a copy, and which constitutes the initiation of the proposed mediation, has elicited no further response than a mere acknowledgment of its receipt. What he could have expected to accomplish in coming here passes my comprehension.

I have, &c.,

THOMAS A. OSBORN.

No. 95.

Mr. Osborn to Mr. Evarts.

No. 164.] LEGATION OF THE UNITED STATES,
Santiago, Chili, September 9, 1880. (Received October 22.)

SIR: Responding to your instruction No. 98, I have the honor to inclose an English translation of a note received by me from the minister of foreign relations on the day of its date. You will observe that it is simply an acknowledgment of the receipt of my note to which your instruction refers concerning the course to be observed by Chili in the prosecution of the war in this section, and an assurance that it should be laid before the President. A similar note was received at the European legations, but no further response has been deemed necessary by this government. I am assured, however, that our respective notes have received that consideration which the gravity of the subject of which they treat demanded, and I am led to believe that they have exercised no small influence in the subsequent conduct of the war. In so far as the naval operations are concerned, I have heard of no cause of complaint since about the first of last January. Unfortunately their land forces are not so easily controlled. I judge that the reports which have gone to the world from Peruvian sources regarding the behavior of the Chilian soldiery at Pisagua, Mollendo, Tacna, and Arica are more or less exaggerated; still it is undoubtedly true that they are not wholly without foundation. The common Chilian soldier is a strong and reckless man, paying but little regard to discipline, and, in battle, a stranger, alike, to fear and to instincts of mercy. He is impatient under restraint, and is too apt to turn a deaf ear to commands which do not conform to his liking. This is the one great fault with the Chilian army—its want of respect for the commands of its officers in battle. The authorities here understand that perfectly, and to this knowledge, in a great degree, is due the hesitation of the government in entering upon the Lima campaign. There is not the slightest doubt entertained here as to the ability of the Chilian army to enter Lima, but it is feared

by the more considerate ones, that once there, the soldiers might be guilty of excesses which would not redound to the credit of their country. The Chilian peon hates the Peruvian as if by instinct, and his hatred is as bitter as it is natural. To this common feeling add the flame which stories of torpedoes and of hidden mines laid for his destruction necessarily produce, and you will be able to comprehend, perhaps, in a modified degree, the spirit which animates the common Chilian soldier in this war.

Preparations for an extensive campaign continue, and unless peace shall come soon, the government will undoubtedly be driven into the movement against Lima. They hope, however, that while satisfying the popular clamor by the preparations which are making, peace may come through the movement which we have been instrumental in initiating, and that they may be saved from the obloquy which the taking of the Peruvian capital might entail.

The government have informed the European ministers that they cannot entertain any proposition regarding peace until they can be informed of the conclusions reached by the allies touching our proposed mediation. I shall expect to hear from Mr. Christiancy and Mr. Adams on this subject in the course of two or three weeks.

I think I see some slight evidences here of apprehension upon the part of the government of armed intervention by the European powers, to the extent of preventing the Chilian army from entering Lima, if that campaign should be undertaken, but my inquiries among my colleagues have failed to develop anything in justification of this fear, further than can be implied from the uncommon interest in behalf of peace now being manifested by the representatives of Great Britain, France, and Italy.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in Mr. Osborn's No. 164.—Translation.]

Mr. Amuñátegui to Mr. Osborn.

REPUBLIC OF CHILI, DEPARTMENT OF FOREIGN RELATIONS,
Valparaiso, February 26, 1880.

SIR: I have had the honor to receive the note which you directed to me, dated the 21st instant, calling the attention of my government to the contents of the communications which the minister of war, in the field, sent on the 28th of January and the 3d of February to the chiefs of the army and of the Chilian squadron with regard to the course to be, by them, pursued in their belligerent operations.

To-day I will lay before his excellency, the President of the Republic, the observations that you were pleased to make concerning said communications.

Limiting myself for the present to an acknowledgment of the receipt of your estimable note, I improve with pleasure the occasion to reiterate to you the sentiments of high consideration with which I am,

Your obedient servant,

MIGUEL LUIS AMUÑÁTEGUI.

No. 96.

Mr. Osborn to Mr. Evarts.

No. 165.] LEGATION OF THE UNITED STATES,
Santiago, Chili, September 13, 1880. (Received November 4.)

SIR: Responding to your instruction No. 100, I have the honor herewith to inclose an English translation of the note received by me in

February last from the minister of foreign relations regarding an exchange of prisoners with Bolivia, as also a copy of my reply thereto.

My letter upon this subject to the legation in La Paz has not been answered, and no further steps have been taken in the matter either by the Chili Government or by this legation.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 165.—Translation.]

Mr. Amuñátegui to Mr. Osborn.

REPUBLIC OF CHILI, DEPARTMENT OF FOREIGN RELATIONS,
Valparaiso, February 20, 1880.

SIR: The Government of Chili is desirous of ransoming some soldiers which Bolivia has made prisoners in unimportant encounters that have taken place between the scouts of our respective armies.

At present we have many Bolivian prisoners from which we would give the number necessary to ransom those which they have belonging to us.

Convinced of the benevolent sentiments that animate you, my government has believed that perhaps it could count upon your friendly assistance in bringing about an exchange of all the Chilian prisoners which are in Bolivia for a corresponding number of those which we have in Chili.

In case there should be no objection on your part to assist in carrying into effect this proposition, I would venture to request that you should be pleased to solicit in our name the co-operation of your worthy colleague in La Paz.

As soon as a favorable response shall be received from you, I will be careful to send to you the list of Bolivian prisoners that we now have, so that the exchange can be perfected in La Paz.

I improve the occasion, &c.

MIGUEL LUIS AMUÑÁTEGUI.

[Inclosure 2 in No. 165.]

Mr. Osborn to Mr. Amuñátegui.

LEGATION OF THE UNITED STATES,
Santiago, Chili, February 23, 1880.

SIR: I have the honor to acknowledge the receipt of your esteemed note of the 20th instant, wherein your excellency is pleased to solicit the aid of this legation, as also that of my colleague in La Paz, in securing an exchange of prisoners of war with Bolivia.

Your excellency can rest assured that such aid as it may be in my power to render to your excellency's government in this connection will be most cheerfully given, and I shall avail myself of the first mail which leaves for the north to communicate with the United States legation in La Paz on the subject, pursuant to the suggestion contained in your note.

It is possible, and I fear even probable, that my colleague in La Paz, Judge Pettis, has not yet returned from his home in the United States, whence he went in November last. He expected to return about this time, but I am as yet unadvised of his having reached his post. Nor have I, since his departure ,had any correspondence with his legation, and I am quite ignorant regarding the person in whose hands it has been left. I judge, however, that the legation was placed in charge of some competent person, and that even though my colleague shall not have returned, my communication, upon its arrival in La Paz, will receive proper attention.

With sentiments of the highest consideration, &c.,

THOMAS A. OSBORN.

No. 97.

Mr. Osborn to Mr. Evarts.

No. 167.] LEGATION OF THE UNITED STATES,
Santiago, Chili, September 17, 1880. (Received November 4.)

SIR: The commotion which was produced by the coming of Mr. Christiancy finally culminated in the formal introduction into the house of deputies of interrogatories to the ministry on the 13th instant, and the subsequent presentation of resolutions expressing a want of confidence in the government. The debate which followed has continued through two sessions, and has been exceedingly acrimonious. I inclose two copies of the *Ferrocarril* containing the discussion. You will observe that the ministry has found it difficult to convince some of the members of the house that Mr. Christiancy's visit had no official character.

There seemed to be danger at one time that the resolution expressing a want of confidence in the ministry would be adopted, but I now regard that as improbable. The intervening holidays will prevent a further discussion of the subject until the latter part of next week.

The developments are not as yet sufficient to warrant a conclusion as to whether the progress hitherto made in the direction of peace may or may not have been entirely undone by the coming of my Lima colleague, but it is quite evident that the accomplishment of the end desired has been rendered far more problematical.

I trust you will not fail to observe the statements made in the house on the 14th instant by the Hon. Mr. Huneens, of which an English translation is attached to the paper. Mr. H. was formerly minister of foreign relations, and has especially represented the President in several interviews with me on this subject.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 167—Translation.]

Statement made to the Chilian chamber of deputies by Mr. Huneens.

In view or the participation, which as a private citizen I have had the honor to take in the matter now occupying the attention of the house, I feel it to be my duty to correct some of the statements made by the Hon. Mr. Rodriguez with regard to the visit of the Hon. Mr. Christiancy, minister plenipotentiary and envoy extraordinary of the United States at Lima. I feel myself authorized to do so by my distinguished friend, Hon. T. A. Osborn, minister plenipotentiary and envoy extraordinary of the United States.

I now, therefore, state in the most emphatic and unequivocal manner—

1st. That Mr. Christiancy came to Chili with no mission whatever from Mr. Piérola, and that he has submitted no proposals whatever for peace on behalf of the Government of Peru.

2d. That Mr. Christiancy has not asked for any proposals for peace from our goverment.

3d. That Mr. Christiancy came to Chili simply for the purpose of conferring with Mr. Osborn, in obedience to instructions from his government, with regard to certain questions that have occupied the attention of the Cabinet at Washington.

In view of what may hereafter occur, I ask that the foregoing statement be placed on the minutes.

No. 98.

Mr. Evarts to Mr. Osborn.

[Telegram.]

WASHINGTON, *September* 28, 1880.

OSBORN,
Minister, Santiago, Chili:

Proceed as proposed, if belligerents accede. Instructions to our vessels when you telegraph for them.

EVARTS,
Secretary.

No. 99.

Mr. Osborn to Mr. Evarts.

No. 169.] LEGATION OF THE UNITED STATES,
Santiago, Chili, September 30, 1880. (Received November 16.)

SIR: I send you by to-day's mail an extra copy of each of the newspapers inclosed with my No. 167, containing a part of the debate in the house of deputies which grew out of the visit of Mr. Christiancy, and also two copies each of three dates of the same publication containing the remainder of the discussion. You will see that on the 25th instant, after a full and explict statement by Mr. Recabárren, the minister of the interior, regarding the purposes of the government in conducting the war, the resolution of censure was withdrawn and the house passed to the order of the day. It will also be noticed that the government stands committed to the country to a vigorous prosecution of the war. This is understood here to mean that a more aggressive policy has been resolved upon, and that unless Peru shall exhibit a disposition to arrive at peace the war is to be prosecuted with all possible energy, to the end that terms may be dictated to her at her capital. The minister, however, did not place the government in a position of direct antagonism with its former attitude regarding our proposed mediation, and I still hope for a good result therefrom.

Mr. Christiancy has telegraphed me by way of Arica that the allies have accepted our proposed mediation, but I have found it necessary to communicate with him further before addressing this government formally on the subject, because of the various conditions which appear to attach to such consent.

In his last message Mr. Christiancy intimates that Peru may possibly withdraw its consent unless Chili shall agree to an armistice. He adds that if the campaign against Lima should be prosecuted during the negotiations our government would be placed in an "ignominious position," and says in effect that the conference would have to be abandoned.

Six weeks ago there would have been little difficulty in obtaining Chili's consent to at least a qualified armistice during the sitting of the conference, but I much doubt if the government will be prepared to agree to this now. The campaign against Lima cannot, however, be undertaken before the middle of November, but of this I could not speak to Mr. Christiancy by telegraph, and have simply advised him that the conference ought to be held as hitherto contemplated. If the allies are

sincerely desirous of availing themselves of our suggested movement for the purpose of closing the war, there is abundant time in which to accomplish that result ere the Lima expedition is ready to move.

By what sort of reasoning Mr. Christiancy has reached the conclusion that the prosecution of hostilities, pending negotiations, would tend to render the position of our government "ignominious" I fail to comprehend. An armistice would be desirable, doubtless, but a refusal to agree to it certainly would not bear the construction which my colleague seems disposed to give it.

If our assistance had been solicited by the belligerents there might, perhaps, be some ground for his conclusion, but in the actual situation it seems to me plain that there is none. The opinion here is quite general that the Piérola government will not yield to the demands of Chili until it shall be absolutely driven thereto, and there are some high in official position who regard its so-called consent to mediation as a subterfuge for the purpose of obtaining time. In view of this, you will not be surprised, I am confident, if all efforts to secure an armistice shall prove abortive.

The destruction of Chimbote and other places in Northern Peru may be accepted as an indication of the character of the change in the policy of the government. It is claimed in justification of this expedition that the resources of the Peruvian Government are being derived from the rich sugar plantations north of Callao, and that the destruction of these estates has therefore become a necessity. It is further urged that the men of wealth in Peru must be made to experience some of the horrors of war, to the end that the government may be forced to sue for peace.

I judge that the instructions to Captain Lynch, the commander of the expedition, have been quite explicit in requiring that the property of neutrals should not be molested, and the information which reaches me from the north induces the belief that he has been careful in this regard.

I have, &c.,

THOMAS A. OSBORN.

No. 100.

Mr. Osborn to Mr. Evarts.

[Extract.]

No. 171.] LEGATION OF THE UNITED STATES,
Santiago, Chili, October 6, 1880. (Received November 16.)

SIR: I inclose two copies of a newspaper containing a discussion in the house of deputies yesterday, concerning the note of the Peruvian minister of foreign relations, of September 14,* to Mr. Christiancy, upon the subject of mediation. You have undoubtedly been furnished with a copy of the note by the legation at Lima, and it is therefore unnecessary that I should here include it.

You have not failed to notice, I judge, that the minister, in the first lines of his note, says that Mr. Christiancy has informed him that he (Mr. Christiancy) had visited Chili for the purpose of proposing to this

*For note of minister for foreign affairs of Peru, see inclosure Mr. Christiancy's No. 194, September 17, 1880, document No. 279. The debate in the house of deputies being quite lengthy, and in the Spanish language, is omitted, but will be submitted if deemed necessary.

government the mediation of the United States, and that such tender had been accepted. I cannot doubt that the minister misunderstood Mr. Christiancy, but I beg you to read the remarks of Mr. Balmaceda and Mr. Alemparte in this connection. You will bear in mind that on the very day of the date of the note referred to, the government here, in justifying themselves before Congress, were engaged in asserting that Mr. Christiancy's visit had no official significance. See my No. 167, with inclosure.

In view of the embarrassment which this affair has caused this government, I am more than astonished that I have not been advised that this government has deemed it prudent to proceed no further in the matter of the mediation.

I have, &c.,

THOMAS A. OSBORN.

No. 101.

Mr. Osborn to Mr. Evarts.

No. 172.] LEGATION OF THE UNITED STATES,
Santiago, Chili, October 8, 1880. (Received November 16.)

SIR: I inclose my final note to the minister of foreign relations tendering formally the good offices of the United States, and also his reply thereto. You will observe that the minister has deemed it prudent to remove all doubts touching the effect which the acceptance of mediation is to have upon the prosecution of hostilities.

Mr. Christiancy is at Arica, and I shall probably leave for that point to-morrow, in company with the Chilian ministers.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 172.]

Mr. Osborn to Mr. Valderrama.

LEGATION OF THE UNITED STATES,
Santiago, Chili, October 6, 1880.

SIR: Your excellency is aware that on the 6th of August last, I approached the honorable President of the Republic of Chili, for the purpose of learning if the Government of Chili would be disposed to enter into a conference with ministers from the other belligerent republics in the present war with a view of arriving at an honorable peace, under the mediation, in the form of good offices, of the United States. Your excellency was pleased to inform me, in our interview of the 10th of August, that the Government of Chili would accept the good offices of the United States, as suggested, if Peru and Bolivia should upon their part signify their acceptance of the same.

The conditions indicated by your excellency, in the interview referred to, having been complied with, I now have the honor to offer formally to the government of your excellency, the mediation of the Government of the United States to be exercised in the manner proposed.

The form suggested by me in the interview referred to, contemplates the holding of a conference of duly empowered ministers of the three belligerent republics on board an American man-of-war at Arica, in the presence and with the friendly aid and assistance of the representatives of the United States to the belligerent republics.

With sentiments, &c.,

THOMAS A. OSBORN.

[Inclosure 2 in No. 172.—Translation.]

Mr. Valderrama to Mr. Osborn.

REPUBLIC OF CHILI, DEPARTMENT OF STATE,
Santiago, October 7, 1880.

SIR: I have received your excellency's note under date of yesterday. In it your excellency, after recalling the steps taken for the purpose of ascertaining whether my government was disposed to enter into a conference of peace with the other belligerents, through the mediation of the kindly offices of the United States, and also further recalling the favorable disposition manifested by my government in case Peru and Bolivia should accept on their part a similar suggestion, your excellency notifies me that, this having been done, the time has now arrived to make a formal tender of the mediation of the United States to the Government of Chili, as you now do.

Having laid your excellency's note before the President, he directs me to transmit to your excellency the expression of his gratitude for the great interest which the United States has shown in its endeavors to restore peace between Chili and the allied republics.

My government accepts the formal mediation and kindly offices that your excellency offers on behalf of the United States, and also further accepts the suggestions made by your excellency as to the manner of carrying it into effect.

It is nevertheless my duty here again to repeat, in order to avoid all ambiguity or doubt, that this acceptation does not imply a suspension of hostilities.

I avail myself, &c.

MELQUÍADES VALDERRAMA.

No. 102.

Mr. Evarts to Mr. Osborn.

No. 109.] DEPARTMENT OF STATE,
Washington, October 14, 1880.

SIR: Your dispatch, No. 163, of the 2d ultimo has been received. You therein report the visit of Mr. Christiancy to Santiago, on board the Wachusett, and the steps taken by him and you in favor of bringing about a conference at Arica, in the interests of an honorable termination of the present disastrous war.

Dispatches subsequently received, through the Navy Department, from the commanding officer of the Wachusett, under date of September 18, indicate the partial success, at least, of your and Mr. Christiancy's efforts to this laudable end, and these reports are further confirmed by a telegraphic dispatch received from you on the 12th, in the following words:

EVARTS, *Washington:*
Sail for Arica to-day, 9th.

OSBORN, *Valparaiso.*

The proposed conference being, so far as the Department can perceive at this distance of time and place and from the information before it, in conformity with its views and with previous instructions, it has not been thought necessary to send you any modificatory telegraphic orders, snch as you seem to suggest in your present dispatch. The full advices of yourself and Mr. Christiancy with respect to the conference are necessarily awaited before the Department can be in a position to judge how far its instructions have been correctly and successfully carried out.

I am, &c.,

WM. M. EVARTS.

No. 102½.

Mr. Osborn to Mr. Evarts.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 28, 1880. (Received October 31.)

EVARTS, *Washington:*

Conference closed without result.

OSBORN.

(Sent from Arica.)

No. 103.

Mr. Osborn to Mr. Evarts.

No. 173.] LEGATION OF THE UNITED STATES IN CHILI,
ON BOARD THE UNITED STATES SHIP LACKAWANNA,
In the bay of Arica,
October 28, 1880. (Received December 6.)

SIR: On the 9th instant, as I was about to take the steamer for this place, I telegraphed you from Valparaiso that fact. My reason for not being more explicit in reference to the meeting of the conference was that I had received a telegraphic message from Judge Christiancy announcing that Peru had determined that a change in the place of holding the same was necessary. I had already, as you are aware, formally invited the Chilian Government to send its ministers to Arica, and when I consulted them regarding a change of place as demanded by Peru I found them determined to insist upon the point already named. I informed Judge Christiancy by telegraph of this fact, and on receiving his reply urging me, notwithstanding this difficulty, to come to Arica with the Chilian ministers, took passage on the mail steamer for this place. Upon my arrival, on the 17th instant, I went on board the United States ship Lackawanna anchored in the bay, where I found Ministers Christiancy and Adams. The Peruvian ministers were still at Mollendo, but they were finally prevailed upon to extend their voyage to Arica, and on the 22d the conference was opened on board the Lackawanna.

At the first session Chili presented, through her ministers, a memorandum* indicating the basis upon which she would consent to terminate the war. It is unnecessary that I should here include a copy of this paper, as it will be found with the official proceedings of the conference. For the present purpose it is sufficient to state that, among other conditions, it demanded from Peru the cession of the province of Tarapacá.

The allied ministers took the memorandum with them for consideration; and in the conference, which was held on the 25th instant, Mr. Arenas, in behalf of Peru, replied at some length, in the course of which he said that the demand which had been made concerning Tarapacá presented an insurmountable obstacle to the conclusion of a peace. The Chilian ministers replied that their instructions made this demand necessary, and that it would be useless to talk of peace upon any other

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* For memorandum, see inclosure with Mr. Christiancy's No. 198 of October 24, 1880, document No. 282.

basis. This practically put an end to the conference. The allies proposed arbitration, it is true, but, in view of the situation, it could hardly have been expected that the suggestion would meet with a favorable reception.

As you know from my dispatches, the only basis upon which Chili was disposed to negotiate involved the cession by Peru of Tarapacá, and my fear latterly has been that the government might even be forced to recede from its position in this respect. When Mr. Christiancy was in Santiago he was quite confident that Peru would be found ready to conclude a peace upon this basis, and he so told President Pinto. It was with some surprise, therefore, that I listened to the emphatic declaration of Mr. Arenas that this condition presented an "insurmountable obstacle" to a happy termination of the negotiations. Every effort was made to induce the Peruvian ministers to present a counter-proposition, in the hope that finally an acceptable basis might be reached; but without avail. They saw fit to rest with the declaration already made, and with this, as before stated, the negotiations were practically ended.

The unhappy termination of these attempts is deeply to be deplored, the more so in that it leaves no ground to hope for peace until either Peru or Chili shall acknowledge its defeat and sue for terms. This, at least, is the present aspect of the situation as it appears to me.

I have telegraphed you to-day as follows, to wit:

EVARTS, *Washington:*

Conference closed without result.

OSBORN.

Preparations for the expedition to Lima are being carried forward with all possible haste, and I judge that ere the receipt of this the Chilian army will have landed in the vicinity of Callao.

I shall leave here to-morrow on the mail steamer for Santiago, and upon reaching my post shall probably have some further observations to make concerning our efforts, and the effect thereof. I can see nothing, at present, to warrant an apprehension of armed intervention by the European powers, but I will be able, perhaps, to express myself more intelligently upon this point from Santiago.

Very respectfully, &c.,

THOMAS A. OSBORN.

No. 104.

(Copy handed to Mr. Evarts by Mr. Asta-Buruaga, January 6, 1881.)

Mr. Valderrama to Mr. Asta-Buruaga.

[Translation.]

REPUBLIC OF CHILI,
MINISTRY OF FOREIGN RELATIONS,
Santiago, November 11, 1880.

In a separate note I acquaint you with the result of a conference held at Arica by reason of the mediation which the Government of the United States of North America was pleased to offer to the belligerents.

Although the result of those conferences has not borne out the noble object which the Government of the United States had in view, the sentiment of sincere gratitude which its fraternal and elevated policy

has awakened in the Government and the people of Chili is none the less lively.

I must likewise add that its noble policy has been faithfully and ably interpreted by the Hon. Mr. Osborn in all this negotiation, and that the delicate tact, rectitude of views, and elevated spirit of which he has given unmistakable proof, have strengthened the confidence and esteem with which from the first he has inspired this government and country.

You will take an early opportunity of signifying these sentiments to the Government of the United States, leaving a copy of this dispatch if any suggestion be made in that sense.

May God guard you.

MELQUÍADES VALDERRAMA.

To Don FRANCISCO S. ASTA-BURUAGA,
Envoy Extraordinary and Minister Plenipotentiary of Chili in the United States.

No. 105.

Mr. Evarts to Mr. Osborn.

[Telegram.]

WASHINGTON, *November* 19, 1880.

You are authorized to unite with your colleagues in pressing upon Chili the adoption of the measures agreed upon in a diplomatic conference at Lima for securing the lives and property of neutrals when Lima is attacked: This authority is to be used only in case these measures are approved by Christiancy and yourself as within neutral policy, and this concurrent representation seems to you useful.

You are also authorized to join in asking a direct answer from Chili, if in your judgment the requirement is justified by the situation. Telegraph your action.

EVARTS,
Secretary.

No. 106.

Mr. Valderrama to Mr. Asta-Buruaga.

[Translation.]

Confidential, No. 29.] REPUBLIC OF CHILI,
MINISTRY OF FOREIGN RELATIONS,
November 22, 1880.

SIR: In a separate note I acquaint you with the result of the conference of Arica, which took place through the medium of the friendly co-operation of the Government of the United States.

This result cannot have been satisfactory, I am convinced, to that government, which had desired, as that of Chili desired, that its intervention in this delicate matter should have been accompanied by the most complete results.

For this reason I consider it necessary to set forth to you, in all frankness, the causes which induced the Government of Chili to accept the good offices of the United States, in the conviction that its noble efforts would not be barren of result.

My government very well realizes the important part which the policy of the United States justly plays in the international movements of the whole world. But before accepting its high mediation in the affairs of the Pacific, it was thought proper that the necessary precautions should be taken, in order to feel assured that its good offices would reach the desired result. With this purpose in view, my government was careful to express, with all frankness, that it could not for its part arrive at a peace without the cession by Peru and Bolivia of the territories which extend to the south of Camarones as an equitable compensation for the enormous expenses and sacrifices which have been demanded of it by the present war.

This same declaration was made by his excellency the President of the Republic, to Mr. Christiancy, in the presence of Mr. Osborn, when the former came from Lima, toward the end of August last. His excellency the President stated moreover to Mr. Christiancy, on that occasion, that his demand in this respect was absolute and final, so that it would be futile to take any steps in the direction of realizing the projected conference suggested by the Government of the United States without first obtaining the assurance that the allied governments would accept the prior condition proposed.

Mr. Christiancy, who came from Lima, and who, it was natural to suppose, would be impressed by the views of the Peruvian Government, declares in the most unmistakable and positive manner that he was persuaded that the Government of Peru would agree to the cession of territory which Chili demanded, and that therefore the conference would yield the peaceful results which the United States aimed at.

Although Mr. Christiancy was not accredited to my government, he did not for that reason cease to be a representative of the United States, in whose affirmations faith should be reposed, in view especially of the great importance of the affair which gave rise to them.

In namimg its plenipotentiaries, my government confided in the assurances given by Mr. Christiancy, and cherished well-founded hope that the conference would give a happy result.

You are already aware that Peru refused absolutely any cession of territory, and that the result of the conference did not correspond to the assurances of Mr. Christiancy.

My government considers that it could not better respond to the fraternal spirit of which the United States have given it such proofs than by declaring with sincerity, as it now does, that the failure of this conference is in no wise to be imputed to any action on the part of Chili.

I desire that you will seek a fitting occasion to give to the Government of the United States confidential knowledge of this dispatch.

May God guard you.

MELQUIADES VALDERRAMA.

No. 107.

Mr. Valderrama to Mr. Asta-Buruaga.

[Translation.]

Confidential No. 30.] REPUBLIC OF CHILI,
MINISTRY OF FOREIGN RELATIONS,
Santiago, November 22, 1880.

SIR: Referring to the dispatch of this date, No. 29, I think it opportune to make mention of other facts connected with the strange attitude

assumed by Mr. Christiancy during the preliminary negotiations which preceded the holding of the conference of Arica.

You know that in our country, as in Peru and Bolivia, the national sentiment is extremely susceptible, and is profoundly affected by any act or demonstration which is capable of being regarded as a disregard, even though involuntary, of the considerations due to the national dignity.

Knowing these sentiments, the Government of the United States endeavored with great delicacy to learn privately, and through the medium of its respective diplomatic agents, what would be the disposition of the belligerents respecting the acceptance of the mediation of the United States.

The spirit which led it to proceed in this manner was most obvious; on the one hand, a desire to be assured of the success of its conciliatory attempts, and, on the other hand, to find itself in a condition to make simultaneously to the belligerents the formal offer of its mediation. In this way it perfectly safe-guarded the natural delicacy of the three countries.

In the high character of mediator and common friend which the United States proposed to assume, it became an object of especial attention to treat the belligerents with identical consideration. It was therefore indispensable that the necessary precautions should be taken so that no one of them should appear as taking the first step toward asking or seeking for peace.

Mr. Osborn seconded most faithfully, in our judgment, the noble policy of his government. The 5th of August last, he began by inquiring privately, in an interview, what would be the disposition of my government with respect to the mediation which the United States proposed to offer.

The reply given on the 10th of the same month informs Mr. Osborn that Chili would have no objection to accepting it, provided that it had the assurances of equal acceptance on the part of the allies.

Two months later, that is to say, on the 6th of October, Mr. Osborn, for the first time, offered to my government, as you may see by the accompanying copy No. 1, the formal mediation of the United States, and on the 7th, as appears in copy No. 2, he received the reply in which the Government of Chili informed him that his offer of mediation was accepted on our part.

Meanwhile, in the time which elapsed between the conversation held with Mr. Osborn, in the early part of August, and the formal offer of meditation which was made in the beginning of October, Mr. Christiancy thought it proper to come from Lima to Santiago, where he remained several days, toward the end of August, in order to be able to return in safety to that capital. The unexpected appearance of Mr. Christiancy in Chili could not fail, however, to attract attention, causing the very general impression that the sudden voyage of the American minister was intimately related to the question of mediation.

The disquietude which was occasioned expressed itself in Congress, wherein my government was interpolated touching this matter, about the middle of September.

The government responded, stating what had theretofore occurred in the premises, that is to say, that there did not exist any formal proposal of meditation, since there had merely been exchanged with the minister of the United States, Mr. Osborn, certain views in a private form concerning the projected office of mediation.

A few days later the journals of Lima published a note from the for-

eign minister of Peru, dated the 14th September, and addressed to Mr. Christiancy. In this note occurred the following:

> Informed by you concerning your voyage to Santiago de Chili, to which place you had gone with the object of proposing to the government of that republic the mediation of the United States of America, in order to negotiate a peace with Peru and Bolivia, a mediation which had been accepted by Chili, in virtue whereof you proposed it to my government, the latter resolved, after conferring with the minister plenipotentiary of the republic of Bolivia, to accept the offered mediation, &c.

It is seen, therefore, by the paragraph I have quoted, that at the same time that my government declared, toward the middle of September, in the chamber of deputies, that up to that time the mediation in question had not been formally accepted, nor even officially offered, Mr. Christiancy was affirming, in his turn, to the Government of Peru, that he had come to our country for the purpose of offering it to my government, and that in view of the acceptance given by this government, he made a like offer to the government of that republic.

The affirmations made by my government before one of the branches of the legislative body, and the affirmations of Mr. Christiancy to the Government of Peru, are altogether irreconcilable.

It does not appertain to me to qualify herein the motives which Mr. Christiancy may have obeyed in making such a declaration. My purpose is simply limited to setting upon record that the affirmations of my government rested faithfully upon the truth.

Mr. Christiancy did not present to my government credentials authorizing him to act either in respect of the projected mediation or in respect of any negotiation whatever. He was, therefore, in our country simply as a distinguished guest, and in no wise as the authorized organ of the Government. If Mr. Christiancy had made, as he affirms, the offer of mediation, my government would have found itself under the painful necessity of rejecting such offer, because it did not conform to the usual practices between two nations; neither would it have been natural for the Government of the United States which, with such delicate tact, had put forth its conciliatory efforts, to have set aside its official representative in Chili, Mr. Osborn, in order to confide the continuation of this delicate business to a simple visitor, worthy of all respect, but lacking towards us the representative character.

These well founded considerations led my government to think that perhaps the note of the foreign minister of Peru might not faithfully express the ideas of Mr. Christiancy, and it has awaited until now, but in vain, a correction on the part of that high functionary, which would re-establish the truth of the facts.

Subsequently there came to the hands of my government a note which the same Mr. Christiancy deemed it proper to address to Mr. Lynch, chief of the Chilian expedition operating upon the north of Peru, and that note has confirmed, to a certain extent, the ideas which the minister of Peru attributes to Mr. Christiancy with respect to the form in which the mediation was offered. I inclose herewith, in copies designated as numbers 3, 4, and 5, the note of the minister of Peru to which I have made reference, and also the dispatches exchanged between Mr. Christiancy and Mr. Lynch. It is not for the present a part of my purpose to take note of the proceeding employed by the minister of the United States in addressing himself to a military employé of Chili, for the purpose of making representations to him, which, from the high source from which they emanated, might induce the chief of our forces to deviate from the instructions of his government. My purpose at this time is

simply to inform you with precision of the various steps which preceded the conference of Arica.

You will take an opportunity to express these facts to the Government of the United States in confidential form.

May God guard you.

MELQUIADES VALDERRAMA.

[Inclosure No. 1.—Translation.]

*Mr. Osborn to Mr. Valderrama.**

LEGATION OF THE UNITED STATES,
Santiago de Chili, October 6, 1880.

SIR: Your excellency is aware that on the 6th of August last I approached the honorable President of the Republic of Chili with a view of learning whether the Government of Chili was disposed to enter into a conference with the ministers of the other belligerent republics in the present war, in order to reach an honorable peace under the mediation in the shape of good offices of the United States. Your excellency was pleased to inform me, in our interview of the 10th of August, that the government of Chili would accept the good offices of the United States in the suggested form, if Peru and Bolivia signified on their part their acceptance of this idea.

The conditions indicated by your excellency in this interview having been complied with, I now have the honor to offer formally to the government of your excellency the mediation of the Government of the United States, in order that it may be exercised in the proposed manner.

The form which I suggested in the interview alluded to had in view the celebration of a conference of the ministers duly authorized of the three belligerent republics on board of an American vessel of war, at Arica, in the presence and with the friendly aid and assistance of the representatives of the United States near the belligerent government.

With sentiments of high consideration I have the honor to be, sir, your excellency's most respectful and obedient servant,

THOMAS A. OSBORN.

[Inclosure No. 2.]

Mr. Valderrama to Mr. Osborn.

MINISTRY OF FOREIGN RELATIONS,
Santiago, October 7, 1880.

SIR: I have received the note which you were pleased to address to me under date of yesterday. After recalling therein the steps you have taken with a view to ascertaining if my government were disposed to enter upon the peace conference with the other belligerents under the mediation in the form of good offices of the United States, and recalling, also, the favorable disposition shown by my government provided that those of Peru and Bolivia should accept on their part a like suggestion, you inform me that this condition having been already complied with, the time has come to offer formally to the Government of Chili, as you now do, the mediation of the United States.

His Excellency the President of the Republic, to whose knowledge I have brought your dispatch, has charged me to convey to you the expression of his gratitude for the noble interest with which the Government of the United States endeavors to bring about the restoration of peace between Chili and the allied republics.

My government accepts the mediation in the form of good offices which you offer to me in the name of the United States, likewise the proceeding, which you suggest to carry it into effect.

I must before all, repeat here, in order to avoid doubts and ambiguities, that this acceptance does not involve the suspension of all hostilities.

I improve this opportunity to renew to you the sentiments of high consideration with which I have the honor to subscribe myself.

MELQUIADES VALDERRAMA.

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* For the original English version of this note see inclosure to Mr. Osborn's dispatch No. 172, dated October 8, 1880, document 101.

[Inclosure No. 3.—Translation.]

Mr. Barinaga to Mr. Christiancy.

DEPARTMENT OF FOREIGN RELATIONS AND WORSHIP,
Lima, September 14, 1880.

Mr. MINISTER: Informed by your excellency respecting your voyage to Santiago de Chili, to which place you went for the purpose of proposing to the government of that republic the mediation of the United States of America, in order to negotiate peace with Peru and Bolivia, which mediation had been accepted by Chili, and in virtue of which you proposed the same to my government, the latter decided, after conferring with the minister plenipotentiary of the Republic of Bolivia, to accept the offered mediation solely in deference to the Government of the United States, and notwithstanding that the motives of the war declared by Chili, which took Peru by surprise, and the manner in which it has been conducted from the first had convinced us how far Chili was from the path of moderation and justice, the sole path in which peace is possible, as I had the honor to say to you in a verbal conference on this business.

The acts which the Chilian forces have, notwithstanding, done at more than 100 leagues from our army, and from any objective military point, acts of pillage, incendiarism, devastation, and all manner of outrages against private property of natives and foreigners, especially after having accepted the mediation of the government of your excellency, if not compatible with the consideration which is due to the friendly mediator, cannot but confirm that presumption, awakening a spirit of indignation difficult to control. My government confines itself to expressing that sentiment, leaving to that of your excellency and to your excellency yourself the due appreciation of such conduct. My government thinks that if the love of peace and the consideration which it feels for the government and people of the United States can decide it, notwithstanding the evident justice of its cause and its complete confidence in the final result of the war, and the injuries and losses sustained, to enter upon negotiations for peace, it is natural that such motives should be entirely destroyed by the actual and melancholy evidence that we are contending with those who in such manner violate the laws of civilization and the respect which cultured people owe to themselves.

It is pleasing to me to avail myself of this opportunity to offer to your excellency my considerations of especial esteem.

MANUEL A. BARINAGA.

[Inclosure No. 4.—Translation.]

*Mr. Christiancy to the commander of the Chilian forces.**

LEGATION OF THE UNITED STATES,
Lima, Peru, September 13, 1880.

SIR: I have just arrived from Santiago, where, in company with the American Minister, Mr. Osborn, I had a full and free conference with the government of Chili, which has accepted the mediation of the United States, in order to negotiate peace with Peru and Bolivia. I am now authorized to say that Peru accepts such mediation and that the negotiations for peace will be immediately undertaken. When I conferred with the government of Chili I was not authorized to say that Peru would accept the mediation of the United States, but now I am authorized to say that Peru accepts it and that the ambassadors of all the belligerents will meet for this purpose in the early days of the coming month of October.

I do not interfere, nor can I pretend to interfere, with the instructions which you may have from your government concerning the steps which you have been ordered to take, but I hope that you will appreciate my representations, and those of the government which I represent, which is equally the friend of all the belligerents, if I suggest to you that, in so far as your orders permit, it would be prudent and would contribute to obtain a speedy peace and avoid all destruction and causes of irritation which may not be rendered obligatory by the orders you have; and I permit myself to add that there is a very marked sentiment, as I know, among the ministers of the foreign governments, both here and in Santiago, against the destruction of purely private property which is not demanded by the military necessity of attacking the armed forces of the enemy and against accepting contributions from them, and especially because such destructions may be committed or such contributions imposed upon the private property which is known to belong to the citizens of friendly and neutral nations, and from which proceedings, as you will readily comprehend, may arise many complications and complaints. The government of Chili

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* For the original English version of this note see inclosure to Mr. Christiancy's dispatch No. 194, dated September 17, 1880, Document 279.

will be immediately informed that Peru has accepted the friendly mediation of the United States, and of its readiness to enter upon negotiation upon such auspices.

If I had been able, when I was in Santiago, to assure the government of Chili of the readiness of Peru to enter upon negotiations in which Chili should take part, I would feel inclined to believe that if the Chilian expedition had been about to depart it would have been under orders somewhat modified and less severe than those which you now probably have, but I cannot ask you to adopt my opinion, and recognize entirely the fact that you must act in view of your own judgment of the circumstances and as the orders of your government demand.

Permit me to conclude by expressing to your excellency the respect and high consideration with which I subscribe myself your excellency's friend and obedient servant,

I. P. CHRISTIANCY.

[Inclosure No. 5.—Translation.]

Mr. Lynch to Mr. Christiancy.

HEADQUARTERS OF THE CHILIAN DIVISION IN THE NORTH OF PERU,
On board the Itata, September 17, 1880.

SIR: I have had the honor to receive your polite notes of the 13th and 14th instant, in which your excellency is pleased to bring to my knowledge the laudable efforts which have been made towards the belligerent governments for the purpose of bringing about an honorable peace between them, through the medium of the mediation of the Government of the United States, of which your excellency is the worthy representative at Lima.

Your excellency, in making known to me what has been done to that end, and what is hoped for from the good offices (of the United States) has been pleased to indicate to me the conduct, which in your judgment, I should follow in the military operations which my government has confided to me, in view of the good will with which the belligerent governments have accepted the mediation of that of your excellency.

It would have been very gratifying to me, Mr. Minister, to accept your manner of thinking if I had not been informed to-day by the commanding officer of our squadron, that the government of Peru is continuing its operations against the vessels of the Chilian navy.

The repetition of such insidious attempts on the part of that government, at the time when your excellency assures me of the desire it expresses to negotiate for peace, convinces me that its purpose is not genuine.

For this reason I see no well-founded motive for suspending the military operations which have been confided to me in the absence of a special instruction from my government.

So far as concerns respect for the property of neutrals which, your excellency is pleased to recommend to me in the notes, which I have the honor to answer, your excellency may rest assured that I will proceed in conformity with the prescriptions of international law.

In conclusion, I beg your excellency to accept the high esteem with which I subscribe myself your obedient servant,

PATRICIO LYNCH.

No. 108.

Mr. Osborn to Mr. Evarts.

No. 181.] LEGATION OF THE UNITED STATES,
Santiago, Chili, November 23, 1880. (Received January 3, 1881.)

SIR: I have the honor to inclose a copy of a circular note addressed by this government to the diplomatic representatives in Santiago, explanatory of Chili's purposes in the war in which she is engaged, as also an English translation thereof.

The government evidently fears that the discussion in the Arica conference may have left an impression that in exacting Tarapacá as a con-

dition for peace, Chili has proclaimed the right of conquest, and the minister's note seems to be directed mainly to the removal of any such belief. It is insisted, as you will observe, that the territory mentioned was demanded as indemnity for damages sustained by Chili because of the war-damages which, it is claimed, Peru is powerless to liquidate in any other way.

The minister also touches upon the proposition made by the allies in the conference to submit the questions in dispute to the arbitration of the United States, justifying the action of his government upon the ground that the results of the war have given to Chili certain rights which cannot well be determined in the manner proposed. As I have heretofore written to you, my judgment is that the proposition for arbitration was not made with the expectation that it would be seriously entertained. Had the reverse been true, I assume that it would have been submitted in some practicable form, rather than in the intangible shape in which we find it.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1, in No. 181.—Translation.]

Chilian circular to the foreign representatives.

DEPARTMENT OF FOREIGN RELATIONS,
Santiago, November 10, 1880.

SIR: At the commencement of the war into which Chili was provoked by the injustice of Peru and Bolivia, my government made haste to lay before the friendly powers the all-powerful reasons that compelled her to seek in war satisfaction for her grossly offended honor and seriously imperiled interests, ends which, notwithstanding Chili's repeated efforts, it had been impossible to attain by conciliatory measures.

The absence of all military organization consequent upon years of peace; the habits of the people of Chili, devoted to peaceful toil and industry; the financial crisis that then weighed upon the country, the wholly unarmed condition of the republic, which had reached the point even of disbanding the national guard, her sale at public auction of a number of her war vessels; will demonstrate to your excellency's government how distant from Chili was the thought of her tranquillity being interrupted, how sincere was her love of peace.

The republic of Chili would never have abandoned her peaceful attitude, had it not been for the continued violations of her most sacred treaty obligations on the part of Bolivia; the discovery of the existence of a secret compact against her integrity, entered into between Peru and Bolivia, at a time when the outward relations of these powers with Chili were of the most friendly character, and finally the outrages committed against her citizens, all of which compelled her to resort to arms in vindication of her rights. Involved thus in a war against her will, and after having exhausted all peaceful means, she found herself compelled to accept it, as a last resort, and she now relies to the end upon the justice of her cause and the unfailing zeal of her people.

The hopes entertained by Chili have not been disappointed by the course of events; since the declaration of war her navy has annihilated the maritime power of Peru, and now holds her principal seaports under blockade. Her armies, in numerous engagements, have everywhere overcome her enemies; and she is now the mistress of all the Bolivian coast, and a very considerable portion of that of Peru. An uninterrupted series of defeats have made it impossible for the allied forces to recuperate their losses, and rendered them powerless to resist our attacks. In the face of events already consummated, and the stern reality of what has already occurred, the attempts made by them to conceal the truth or misrepresent facts are futile.

Under this condition of affairs, so unquestionably in favor of Chili, the Government of the United States, through its representatives near the three republics, tendered their good offices as mediator for the re-establishment of peace. The Government of Chili, true to its traditions and sincere in its international policy of loyal friendship with all nations, with a firm resolution that she would interpose no obstacle toward securing peace upon a firm and lasting basis, accepted the offer of the

great Republic of the North, notwithstanding her repeated successes against the allied powers.

Mediation having been accepted by Peru and Bolivia, it was also accepted by Chili, and for this purpose a conference was held at Arica. The mode and result of this meeting your excellency will find by a perusal of the copies of the documents I have the honor to herewith transmit.

By the protocol at the first meeting of the conference, a memorandum was submitted of the conditions that Chili deemed essential for the attainment of peace, which, as I will proceed to explain to your excellency, were the only ones that could have permanently and equitably put an end to the war.

In view of the situation of the belligerents, the series of victories obtained by Chili, both on land and sea; the enormous expenditure of blood and treasure that the war had cost the country; the blind tenacity with which the enemy persisted in carrying it on, thereby uselessly increasing the expense and injury; the outrages committed on our citizens whose property was confiscated and they expelled from the country; the obstacles thrown in the way of the development of our industries and commerce; in view, I repeat, of these antecedents, it was not reasonable to suppose that Chili would appear at the conference of Arica with other than a firm resolution to insist upon an indemnity that should, in part at least, compensate for so many and so great sacrifices on her part.

But two courses presented themselves that could make the attempt at an understanding and peace a success. One, the surrender of the territory according to the first clause of the memorandum submitted to the plenipotentiaries of the allies, as indemnity for the expenses and damages of the war, or the exaction of a stipulated sum of money upon the same grounds, Chili holding the territory now in her possession as security and until the final payment of such indemnity.

The adoption of the latter course found an insuperable obstacle in the deplorable condition of the finances of both Bolivia and Peru. For years past the embarrassed condition of the allied powers has been well known. Crushed by the weight of an enormous debt, without credit abroad, and, what is still worse, without order or stability at home, they had totally ignored their obligations. Unable to meet the interest on their debt, the fact of the bonds of Peru appreciating in value upon the occupancy of her territory by Chili, will show the point of insolvency she had reached in the estimation of Europe. How, then, would it have been possible for Chili to obtain from such powers the payment of the indemnity to which she was justly entitled?

An arrangement by which Chili should hold the territory occupied by her armies as security for the payment of the expenses of the war by means of the income derived from the same, was wholly inadmissible. The holding of this territory would necessarily involve the military occupation of it by the conquering power, and this could not be done without a heavy outlay to be paid by the allies. On any other terms the result, as far as regarded Chili, would be illusive. Such an arrangement never could have put an end to the war; however moderate the sum agreed upon as indemnity might be, it, increased by interest and the charges of a military occupation, would very soon place the sum beyond the power of the debtors to pay, while the irregular condition of affairs in the territory, by reason of the coexisting authority of Peru and Bolivia on the one side, and the forces of Chili on the other, would be productive of serious conflicts that could not long delay in again resulting in war, thus defeating the prime purpose that Chili has in view, the attainment of a solid and lasting peace.

The security being thus inadequate, Chili had no other resource but to demand the surrender of the territory as the only means of securing indemnity for her sacrifices and expenses. The government, in insisting on this stipulation in its instructions to its plenipotentiaries, did not simply seek an extension of its frontier. The faithful exponent of the feelings of its people, it adopted the only means that the depressed condition of the finances of the allies rendered it possible for them to grant; one that circumstances had imposed, and which they were powerless to change.

The allied governments will no doubt endeavor to make it appear, as did their plenipotentiaires at the conference, that Chili maintains the right of conquest.

The truth, however, will prevail in spite of all that may be said. The fact, clear and indisputable, alone remains, and that is, that Chili is entitled to indemnity for the expenditures and sacrifices incurred by her in the war, and that the allied governments have not the means of satisfying them.

The surrender of the territory furthermore involved on the part of the successful power a recognition of the mortgages and incumbrances created upon it by Peru to her foreign creditors.

The Republic of Chili possesses an extensive and fertile soil whereon her people may toil in peace. She has always lived in harmony, devoted to her own internal improvements. She has ever given proofs of her desire to seek a peaceful solution of all international questions. She has always been ready to defend the integrity and independence of her sister republics, when threatened. She has been the champion of Peru herself, and never could she have suspected that her demand that Bolivia

should live up to her treaty obligations would have been the cause of war. The Republic of Chili, with such antecedents, never appeared at the Arica conference for the purpose of maintaining the principle of the right of conquest. She appeared there solely for the purpose of obtaining indemnity for the expenses of the war, and the assurance of a solid and lasting peace in the future. Such was her right and the natural consequence of the justice of her cause, confirmed by the successes of her armies. The powers that forced her into an unjust war and that still insist on carrying it on, notwithstanding their reverses, are the ones responsible for the sacrifices and damages of which they were the cause. Chili under these circumstances commits no more act of conquest than does a creditor commit an act of despoliation when he seeks payment of the debt due him through the real estate of his debtor who has nothing else with which to discharge his obligation.

The demand of Chili is, furthermore, founded on other considerations not less worthy of notice. The territory belonging to the allied powers, lying south of the Camarones Valley, consists for the most part of desert lands with a very small native population. The greater part of its occupants are foreigners, of which the Chilians are the most numerous. It is they who are the principal owners and workers of the country. It is their capital and enterprise that have given value and importance to those hitherto barren wastes. The peculiar topographical conditions of this territory, the fact of its being at so great a distance from the seat of its own government, while its commerce and traffic largely depended on Chilians, made the character of the surrender demanded, as far as national susceptibilities were concerned, much less obnoxious than may have been the case in other instances of the annexation of neighboring territories. National susceptibilities, as is well known, do not exist in that locality, and this would have gone very far toward facilitating an easy assimilation of its elements, tending to the development of its wealth and prosperity.

Chili seeks that compensation to which she is justly entitled; she seeks a guarantee of peace for the future. In assuring these important ends, she proposes as a basis of arrangement a means that is not now and never has been ignored among civilized powers. Her frank and open demands should not be viewed with suspicion, nor should they inspire the other portions of the American continent with any feelings of uneasiness.

The other conditions demanded by Chili are the natural sequences of the first condition. They are in perfect harmony with the obvious and rightful considerations emanating from the subject.

The war has not only entailed enormous sacrifices of treasure and of blood upon Chili as a nation, but it has also been productive of similar sacrifices to her commerce and industries, and to her private citizens who were business residents of the territory of the allied powers from whence they were forcibly expelled after being despoiled of their real estate, their capital, and their personal property. The second and third stipulations of the memorandum provide for the indemnification of such injured parties. Their future, after the manner in which they were treated, cannot be a matter of indifference to my government.

The fourth stipulation is open to no objection whatever. It simply provides for the delivery to Chili of a transport that was the property of the republic.

The fifth becomes a matter of absolute necessity, when we take it into consideration that the war grew out of a secret treaty, and that the incentive to the treaty of alliance now sought to be brought about between Peru and Bolivia, as stated by these governments themselves, was to more effectually hostilize Chili. Such a treaty would be a standing menace to the peace that Chili so earnestly desires.

The sixth stipulation, with reference to the holding of certain territory as a guarantee for the fulfillment of the other conditions imposed on the allied powers, is absolutely necessary.

The seventh and last becomes important, in order to give to the peace sought to be obtained that stability which the interests of the belligerents themselves, as well as the other powers of the Pacific, demand. If the northern frontier of Chili should be established at the Camarones Valley, and the port of Arica thereafter fortified and converted into an impregnable fortress, it would be a constant source of danger to Chili, obliging her also to fortify her own frontier. In either case peace would always be in jeopardy, and this may be avoided by making the said port for all time simply and exclusively a commercial port.

Furthermore, it is known that when the boundaries of Bolivia were arranged, she was given a geographical position inimical to the logical development of her resources. It is also known that the port of Arica is the most suitable and best adapted to the commercial requirements of Bolivia. This fact would render its fortification still more dangerous and improper.

Before concluding the present communication I deem it proper to notice two imporant points submitted to the Arica conference, viz, the proposition of the plenipoentiaries of the allied powers to bring the war to a close through the arbitration of he power then acting as mediator, and the interpretation given by his excellency

Mr. Baptista, the Bolivian plenipotentiary, to the secret treaty of alliance, offensive and defensive, so mysteriously entered into between Peru and Bolivia in 1873, and which has been the cause of the lengthened struggle in which we now find ourselves involved.

Unquestionably the method most in harmony with the interests of humanity, the one best calculated to preserve friendly international relations, is, in cases of conflict, to submit to the arbitration of a third power, which might impartially and without prejudice decide as to which side was right; but this method has its appropriate time for application; unfortunately, the time at which it was suggested by the plenipotentiaries of the allied powers deprived it completely of its applicability. When diplomacy had exhausted all its resources and war appeared to be inevitable, Chili proposed arbitration to Bolivia and it was peremptorily declined. War was the consequence, and your excellency is aware of the results and sufferings that have followed. Chili, through her efforts, has obtained decisive advantages over her adversaries, and has by reason of the war become invested with clear and important rights. What point, therefore, would the arbitrator be called upon to decide? The question of rights is one no longer open to discussion; it is now simply a question of accepting or declining through war what has already been accomplished by war.

Success has its obligations, and they increase in the ratio of the sacrifices and the risks incurred in obtaining it. These obligations are still further increased when dealing with an enemy who, although defeated by land and sea, tenaciously holds out in the struggle when resistance is vain.

Bolivia rejected arbitration when it was offered by Chili; Peru became her ally with a full knowledge of all the facts, and it is now both logical and natural that she should accept the consequences of a war that she might have prevented, but did not choose to prevent. If such was not the case, if it should be held that a power is obliged to suspend hostilities at the request of its antagonist, when the antagonist had provoked the war and been unsuccessful in its issues, war would cease to be a right. In the midst of the train of evils that it entails it would fail to achieve the only benefit to be derived from it, that of compelling the vanquished to repair the injury they had caused, and to respect in the future the rights of others in accordance with international treaties. But for these considerations Chili would have accepted the proposed arbitration with full confidence in the impartiality of the arbitrator.

With regard to the interpretation of the secret treaty of 1873 given by his excellency Mr. Baptista at the conference, I will take occasion to say that the circumstances under which it was negotiated, and the means adopted to give it effect, show a purpose directly the opposite of the one sought to be attributed to it, viz, that of strengthening the fraternity and union of the republics of America. In no other light can explanation be given for the secrecy that was observed with regard to it for more than six years; for the irregular manner in which it was passed by the congresses of Peru and Bolivia; the denial of its existence by the former of these powers when interrogated by Chili with regard to its existence; and, finally, the exclusion of Chili from it when Chili at the same time was the ally of the powers that were conspiring against her. The treaty was a measure directed against Chili, and my government so demonstrated at the commencement of the war.

The foregoing statement I trust will convince the sober judgment of your excellency's government that Chili took part in the conference with a sincere desire of putting an end to the war; that the conditions submitted by her plenipotentiaries were the only ones that could be productive of a lasting and equitable peace; that her conditions were neither exaggerated nor onerous under the circumstances in which the belligerents are now placed, and that whatever may be the consequences of the continuance of the war, the allies, through their persistence in refusing to accede to the just demands of Chili, are alone responsible for it.

My government, sir, profoundly regrets that the Arica conference has been barren of results, and that the noble efforts of the mediating power in its endeavor to re-establish peace have been sterile, for all of which efforts Chili is sincerely grateful.

With the request that your excellency will be pleased to make this statement known to your government, I have to beg you will accept the assurance of my distinguished consideration, and remain your most, &c.,

MELQUIADES VALDERRAMA.

No. 109.

Mr. Osborn to Mr. Evarts.

No. 182.] LEGATION OF THE UNITED STATES,
Santiago, Chili, November 30, 1880. (Received January 21.)

SIR: On the 21st instant, I received the following cablegram:

WASHINGTON, *November* 19.

OSBORN, *Minister, Santiago, Chili:*

You are authorized to unite with your colleagues in pressing upon Chili the adoption of the measures agreed upon in a diplomatic conference at Lima for securing the lives and property of neutrals when Lima is attacked. This authority is to be used only in case these measures are approved by Christiancy and yourself as within neutral policy and this concurrent representation seems to you useful. You are also authorized to join in asking a direct answer from Chili, if in your judgment the requirement is justified by the situation. Telegraph your action.

EVARTS,
Secretary, Washington.

A few brief interviews with my colleagues touching the details of the measures adopted at the Lima diplomatic conference, and the steps hitherto taken, having in view their acceptance by this government, served to impress me with the belief that any movement now by this legation in the direction indicated in your dispatch would be exceedingly impolitic, and this belief was strengthened to conviction by the informal conversation which I subsequently had with the minister of foreign relations, Mr. Valderrama.

As you know, the measures referred to provide for the protection of all private property, neutral and otherwise, in Lima, and determine the manner in which the Chilian army may bombard, occupy, and police the city. This programme was submitted to the consideration of the Chili cabinet early in October by the European representatives. In response, this government declared that it was its purpose to protect as far as possible the interests of neutrals in Lima, but maintained, in justification of a refusal to adopt unqualifiedly the measures proposed, that such action might tend to seriously embarrass the army in its legitimate operations. With this answer, it seems, the European governments were not satisfied; hence this renewed effort in the direction indicated.

I have had frequent conversations with Minister Valderrama concerning the protection of lives and property of neutrals in Lima in case that city should be attacked, and on the 24th instant, in an interview with him, I intimated a desire to know what measures had been adopted to that end. He was quite unreserved in his answer, asserting that it was the sincere desire of his government that neutral interests should be fully protected, but justified the refusal to adopt the measures proposed by my colleagues upon the ground heretofore stated; that is, that the army might thereby become seriously crippled in its proper operations against the enemy. He informed me, however, that, with a view of affording the protection desired, the general in command had been directed to confer with the dean of the diplomatic corps at Lima, and, in so far as the same could be done without interfering with the legitimate operations of the army, to adopt his suggestions to that end. An English translation of the note of Minister Valderrama, repeating the assurances given me in conversation, will be found inclosed.

In addition to what is said in the minister's note, I may add that I have known for some time that the government was desirous of avoid-

ing a scandal growing out of the operations at Lima, and that precautions were being taken to that end. The minister of war is with the army in the field, as is also Mr. Altamirano, the intendente of Valparaiso, who has gone north as secretary for the general-in-chief. These gentlemen are men of high standing, and I am assured that the chief reason for their attendance upon the army is the solicitude of the government upon this subject.

On the 26th instant I telegraphed you as follows:

EVARTS, *Washington:*

Regard pressure of Lima measures useless and impolitic, Government adopts stringent measures for protection of neutrals in Lima, but rejects European pressure.

OSBORN.

I am credibly informed that the Lima measures were not pressed upon this government by the European representatives with much earnestness; but, be that as it may, the response to their efforts was substantially the same as that received by me.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 182.—Translation.]

Mr. Valderrama to Mr. Osborn.

REPUBLIC OF CHILI, MINISTRY OF FOREIGN RELATIONS,
Santiago, November 25, 1880.

SIR: Referring to the conference that I had yesterday with you, and in which you expressed a desire to know if my government had taken any measures for the purposes of protecting, in as far as may be possible, the persons and interests of foreigners located in Lima and Callao, in case hostilities against said cities should be undertaken, I now have the honor to repeat to you what, in that respect, I expressed to you verbally.

My government feels a deep interest in that the persons and property of foreigners should remain as far as possible exempt from all damage in the future operations that it may be necessary to undertake against those cities, and to this end has recommended very especially to the chief of our forces that he should respect these persons and properties. In order that this protection should be more efficacious, my government has directed that the chief of our forces should hear all the suggestions that the dean of the diplomatic corps in Lima should be pleased to make to him in this regard, and to accept them in so far as they should not be opposed to or should not embarrass the legitimate operations of our army. My government believes that on the field of actual operations the Chilian commander, upon the representations of the dean of the diplomatic corps, will be the better able to protect the important interests of neutrals, which the government ardently desires may be protected in the military operations which our army has been directed to carry out.

I avail, &c.,

MELQUIADES VALDERRAMA.

No. 110.

Mr. Evarts to Mr. Osborn.

No. 115.] DEPARTMENT OF STATE,
Washington, December 27, 1880.

SIR: My attention has been called to the following passage of your remarks at the conference held at Arica, Peru, on the 15th of October last, as reported in the second protocol of those conferences:

"His excellency Mr. Osborn remarked that it seemed proper to him, as well as to his colleagues, to place upon record that the Government of the United States does not

seek the position of arbiter in this question. A strict compliance with the duties inherent to that position would involve much trouble and great labor, and, while he could not doubt that his government would accept the position if properly requested to do so, it was nevertheless proper that it be understood that its representatives did not court that distinction.

As it is not quite clear what the meaning and scope of your remark on that occasion was, I will thank you for explanation upon the subject. There was no impropriety in your making it clear to the representatives of the belligerent states that this government had no desire to unduly urge its arbitration upon them. If, however, it was your purpose to convey the impression that we would not cheerfully assume any labor and trouble incident to arbitration in the interest of peace and the service of justice, you have not correctly appreciated the views and wishes of this government. It is the sincere desire of the President to see an honorable and lasting peace secured among the South American republics now engaged in war, and he will shrink from no effort or responsibility which can properly tend to the accomplishment of such a desirable result.

In order to remove a possibly wrong impression which your language may have made upon the representatives of the belligerent powers, you will read this instruction to the minister for foreign affairs of Chili; and I will instruct Mr. Christiancy and Mr. Adams to read a copy of it to the ministers for foreign affairs of Peru and Bolivia, respectively.

I am, &c.,

WM. M. EVARTS.

No. 111.

Mr. Osborn to Mr. Evarts.

No. 187.] LEGATION OF THE UNITED STATES,
Santiago, Chili, January 3, 1881. (Received February 24.)

SIR: In the circular note which minister Valderrama addressed to the diplomatic corps on the 10th of November last, a copy and translation of which accompanied my No. 181, is found the following sentence:

> The cession (meaning the cession of Tarapacá by Peru), carried with it, moreover, the obligation on the part of the victorious nation of accepting as its own all the hypothecated bonds given by the Peruvian Government to its foreign creditors.

The guano beds in the Tarapacá district, as is well known, have been mortgaged by Peru to secure the payment of a large part of her public debt, and the expression here quoted was very generally accepted as a formal recognition of these obligations in the event of a change in the sovereignty of the district. Subsequent discussion in the newspapers and in the two houses of Congress, however, apparently developed the fact that the country was not prepared to accept this doctrine as its policy, and the minister has felt himself called upon to explain in another note, a copy of which I herewith inclose, with English translation.

It will be observed that the interpretation which had so very generally been accepted was entirely erroneous, and that the minister does not desire to be understood as having committed his government to the payment of any part of the Peruvian debt or the recognition of any of its mortgages, but that all claims in the district referred to are to be settled in accordance with the principles of international law.

If the influences which have driven minister Valderrama into writing the inclosed note shall continue in the ascendency, I fear that Peruvian mortgage bonds are likely to remain a very precarious investment.

I am not aware that any of these mortgage securities are held by American citizens. The loan for which they were issued was raised in Europe, principally in Great Britain and France.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 187.—Translation.]

Mr. Valderrama to Mr. Osborn.

REPUBLIC OF CHILI, MINISTRY OF FOREIGN RELATIONS,
Santiago, December 24, 1880.

SIR: On the 10th of November ultimo I had the honor of addressing you informing you of the result of the conference held on board the Lackawanna in the bay of Arica, in the last days of October.

In view of the instructions given to our plenipotentiaries in the event of certain contingencies arising in connection with the conference, I then stated that the ceding of the territory claimed by Chili would have implied on the part of Chili a recognition of the mortgages executed by Peru to her foreign creditors. This expression has not been properly understood, as appears from the interpellations directed to the government in both houses of Congress.

By some, without taking into consideration the special circumstances of the case, the circular of the 10th of November was understood to be an absolute definition of the rights of creditors in the nature of an assertion of a principle; such an interpretation of it is not correct. The statement referred to is intimately connected with the instructions given to our plenipotentiaries, and both refer to the occurrences of certain contingencies that never took place.

It is known that the conference at Arica was productive of no result, and that matters continued in the same condition they were before the said conference was held. This statement thus becomes merely an expression of a fact which might have occurred had the allies accepted all the conditions with which it was connected. It might also have been a result of certain compensations or advantages provided for in the instructions, but it embraces no recognition of a right as has been supposed by some.

It was not intended in the circular alluded to, to define the rights of creditors. Its scope was confined to certain facts that had already occurred and others that might have grown out of the Arica conference if certain circumstances then in view had taken place. The failure of the negotiations left matters in the same condition in which it found them, and consequently the rights alleged by certain parties with regard to the Tarapacá district will be settled according to the precepts of international law. This is the line of conduct which the government of Chili has observed from the beginning, and in which it has the purpose of continuing.

With this explanation of the true meaning of the statement which has been so imperfectly understood, I avail myself of the opportunity of offering to you the sentiments of high consideration with which I am, &c.,

MELQUIADES VALDERRAMA.

No. 112.

Mr. Osborn to Mr. Evarts.

No. 190.] LEGATION OF THE UNITED STATES,
Santiago, Chili, January 14, 1881. (Received March 7.)

SIR: Referring to your instruction No. 108, conveying information of the convention concluded between the representatives of Chili and the United States of Colombia, at Bogata, in September last, for the preservation of peace between those republics, and directing me as to my duties in the premises, I have the honor herewith to inclose a copy, with

English translation, of a note received by me from the minister of foreign relations, together with a copy of my reply.

You will observe that the minister, after informing me of the execution of the convention referred to, says that it meets with the approval of his government, and will be presented to the National Congress for its action. He adds a request to be informed whether the designation of the President of the United States to act as arbitrator in certain contingencies mentioned in the convention will prove acceptable to the Government of the United States.

My reply, as you will see, is an assurance that the President will deem himself privileged in being permitted to respond to the flattering trust reposed in him, if his services should be required.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 190.—Translation.]

Mr. Valderrama to Mr. Osborn.

REPUBLIC OF CHILI,
DEPARTMENT OF FOREIGN RELATIONS,
Santiago, December 23, 1880.

SIR: I have the honor to inform you that on the 3d of September last a convention "ad referendum" was entered into at the city of Bogota by the minister of foreign relations of Colombia and the chargé d'affaires of Chili near that republic, copy of which accompanies the present, by the terms of which both countries agree to submit to arbitration the decision of all questions that may arise between them and which it may be found to be impossible to decide by diplomacy.

My government has no hesitancy in accepting the principle of arbitration thus established, and will submit the convention to the National Congress.

With regard to the designation of his excellency the President of the United States of America as umpire in the cases specified in Article II, my government hopes that it will not prove unacceptable to your excellency's government, and that in it your government will see a reciprocation of the many and strong proofs of friendly feeling that Chili has received from it.

Notwithstanding these marks of confidence, I am directed by his excellency the President of the Republic, in bringing this subject to your notice, to inquire whether the Government of the United States will give a favorable consideration to the selection which has been made of the President of the Union for the cases referred to.

I avail myself of the occasion to renew the assurance of my distinguished consideration.

MELQUIADES VALDERRAMA.

[Inclosure 2 in No. 190.]

Mr. Osborn to Mr. Valderrama.

LEGATION OF THE UNITED STATES,
Santiago, January 7, 1881.

SIR: I have to acknowledge the receipt of your excellency's note of the 23d ultimo, inclosing a copy of the convention entered into on the 3d of September last "ad referendum" between the Republic of Chili and that of Colombia, providing for the settlement by arbitration of all such questions as may arise between the two governments which it may be found impossible to arrange through diplomatic intercourse, designating at the same time the President of the United States as umpire, and inquiring whether the Government of the United States would lend favorable consideration to the selection therein made of its President as umpire for the cases provided for by the convention referred to.

In reply I have to say that I can best answer your inquiry by transcribing the text

of a communication on this subject received from my government under date of October 13, and which is as follows:

"That should occasion for arbitration arise under the treaty, the President will deem himself privileged in being able to respond to the flattering trust reposed in him, and evincing the friendship of the people and Government of the United States for both republics."

I may add that my government experiences the liveliest satisfaction at the course proposed by your excellency's government and that of the Republic of Colombia, regarding it as a concurrence in a great principle successfully inaugurated and put in practice by the Government of the United States.

I have, &c.,

THOMAS A. OSBORN.

No. 113.

Mr. Evarts to Mr. Osborn.

No. 119.] DEPARTMENT OF STATE,
Washington, February 10, 1881.

SIR: The information which the Department gleans from the press reports that the Chilian forces have taken Lima and Callao, and that the Peruvian forces and government have fallen back into the interior.

Under these circumstances, of which I have as yet no confirmation from yourself and Mr. Christiancy, it is naturally to be inferred that the time has come when the Peruvian Government would not refuse to treat for peace upon any supportable basis, and that it would turn to the good offices or mediation of this government, with hope, if not expectancy, of an end to the war being reached.

I have, to-day, instructed Mr. Christiancy to press upon the Government of Peru, and upon such Chilian authorities as he may have access to, the earnest desire of this government to bring about a peace without delay and upon reasonable and honorable terms, compatible with the true welfare of all the belligerents, so as to be lasting. I have directed him to urge the desire of this government with all that pressure which, under the circumstances, may appear to him to be admissible and proper to the gravity of the occasion.

Your own urgent efforts will be exerted in the same direction.

I am, &c.,

WM. M. EVARTS.

No. 114.

Mr. Osborn to Mr. Evarts.

No. 195.] LEGATION OF THE UNITED STATES,
Santiago, Chili, February 24, 1881. (Received April 5.)

SIR: Referring to your instruction No. 115, wherein you quote from remarks made by me at the Arica conference, touching the suggestions there made concerning the submission of the questions in dispute to the President of the United States as arbiter, and in which you express an apprehension that possibly I may not have correctly interpreted the views of the Government of the United States in that regard, I have to say that I have read your instruction to the minister of foreign relations, as therein directed, and am assured by him that his government has not been misled, in the least, by the remarks quoted by you from the protocol.

For nearly two years this government has known of the earnest desire of the President of the United States to see an honorable termination of the unfortunate war in this section, and of his willingness to contribute in every proper manner to the accomplishment of that result. This assurance in the precise sense of your instruction, if not in its exact language, has been given not once only, but repeatedly, until there has been left no room for doubt upon that subject.

The remarks quoted, to be correctly appreciated, should be read in connection with the discussion which was then going on in the conference, and in the light of surrounding facts. They were not intended to qualify or change, in the slightest degree, the views of the Government of the United States as hitherto made known to the several belligerents. Their purpose was to cover the single question then being discussed, and I am not informed that either of the belligerents understood them in any other sense.

As you well know, since the Chilians succeeded in getting possession of the province of Tarapacá this government has not been willing to listen to suggestions regarding peace which did not involve a cession of such province by Peru. The State Department contains many dispatches from me to this purport, and I judge, the allies were well informed on this point. It is impossible that they should have remained ignorant of the fact that the condition of public sentiment here was such as to preclude the possibility of a peace upon any other basis. When Mr. Christiancy was here, prior to the conference of Arica, President Pinto told him emphatically that our mediation would come to naught unless Peru was ready to make this concession. I assume that the Piérola government was informed of this by Mr. C., upon his return to Lima, and prior to the acceptance by Peru of our mediation; but, be that as it may, I am positively assured that President Piérola was made acquainted with the facts in this regard by the European representatives in Lima. That they could not have been ignorant in Peru on this point is evidenced by the fact that Mr. Christiancy felt himself warranted in saying to President Pinto that he was confident that the demand made by Chili would be conceded.

With this understanding, then, our mediation was accepted, and the conference convened at Arica in October. The ministers who went from Chili were instructed to demand, among other things, Tarapacá. The sentiment of the country was a unit upon this point, and the government could not have done less and stood.

In the presence of these facts you will, perhaps, be able to comprehend with what surprise and mortification I listened to the reply of the allies in the second conference, wherein they announced that the very condition which was irrevocable presented an "insurmountable obstacle" to the conclusion of a peace. It was after this announcement of the conclusion reached by the Peruvian minsters, that Mr. Baptista, of Bolivia, following an assurance that he and his colleague were quite in accord with the representatives from Peru, suggested that perhaps the difficulty might be solved by leaving the "*remaining questions*" to arbitration by the United States. The allies knew perfectly well that the "remaining questions" were comparatively nothing in the settlement of the difficulty. They understood then, as the Peruvian Government at least had understood before our mediation was accepted, that the unbending demand of Chili would continue to be the cession of Tarapacá, and that peace was impossible unless that point should be yielded. In view of all this, how hollow was the proposition touching arbitration; how insincere.

It will not be forgotten that circumstances conspired to make our mediation exceedingly unpopular in Chili. For present purposes it will be sufficient to refer to this fact generally without calling attention to the causes therefor. So strong was the sentiment in opposition to the movement immediately preceding the holding of the conference that I am confident the government would have gladly retraced its steps in that matter if it could have honorably done so. The country was exceedingly sensitive upon the subject, and there was very great danger that the government would fall. All this I knew perfectly well, perhaps better than my colleagues. I felt the full responsibility of my position, and endeavored to so discharge my duty as to leave the United States Government blameless, let what might be the result of the movement. With this knowledge, and this determination, the remarks which you quote were made, and now, in the light of subsequent events, I do not hesitate to say that if a different course had been pursued by us—if we had given to the proposition submitted regarding arbitration a *quasi* approval—American influence here would have been very seriously crippled, if not entirely destroyed. As it was, the United States Government came out of the movement standing better here than it had ever stood before.

Trusting that this explanation may prove satisfactory,

I am, &c.,

THOMAS A. OSBORN.

No. 115.

Mr. Osborn to Mr. Blaine.

No. 198.] LEGATION OF THE UNITED STATES,
Santiago, Chili, March 23, 1881. (Received May 4.)

SIR: I have deemed it quite unnecessary to burden the archives of the State Department with the scattered information which has from time to time reached me from Peru since the occupation of Lima by the Chilian forces, as you have doubtless been placed in possession of all needed knowledge of events there by Minister Christiancy. Lima is but little farther from New York, in the matter of mail communication, than it is from Santiago, and you are, I judge, made acquainted with incidents there transpiring almost as soon as I am.

The negotiations regarding peace have, on the part of Chili, been intrusted to Messrs. Vergara and Altamirano, two of the ministers who participated in the Arica conference, and from what I learn I conclude that these gentlemen find their task by no means an easy one. While the war is practically at an end, yet serious difficulties appear to stand in the way of peace negotiations. Whether these difficulties might not in a measure have been avoided presents a question which I am not prepared to discuss, nor am I sufficiently informed to warrant an expression of opinion as to the real source of the blame, if blame there is. The fact is, there are two pretended governments in Peru, that of Piérola and that headed by Calderon.

The Chilian ministers, as you know, have emphatically declined to enter into negotiations with Piérola, alleging as a reason, as I understand, that his government is without the necessary strength. It is whispered, and perhaps truly, that other influences contributed to this

determination, among which I may mention what is termed here an insulting and untruthful insinuation by Piérola in one of his recent official papers to the effect that the perfidy attached to the premature commencement of the battle of Miraflores, on the 15th of January, was chargeable to the Chilian army. It will be remembered that on the morning of the 15th, through the friendly efforts of the diplomatic corps in Lima, a qualified armistice was arranged between the two armies, which was to continue until midnight, but that notwithstanding at about two o'clock in the afternoon fire was opened and the bloody battle of Miraflores followed. It is no secret here that in this engagement the Chilian army narrowly escaped a serious disaster, and the government, the army, and the people, are alike severe in their denunciations of Piérola for what they term his treachery in this matter.

The government of Calderon has been accepted by several of the Peruvian provinces, but there still remains a considerable portion of the country which has not acknowledged its authority. I am induced to believe, however, that President Pinto hopes that it will have acquired ere long sufficient strength to warrant this government in entering into negotiations with it. Mr. Altamirano is on his way down the coast now, and will reach Santiago in a few days. He comes, I infer, to confer with the government regarding the situation in Peru, and perhaps, to receive final instructions touching the terms to be exacted in a treaty of peace.

There is every reason why Chili should conclude a peace at the earliest possible day, and I think the government so looks upon it. What terms are to be insisted upon I do not know, but judge they will be quite as severe as Peru, in its impoverished condition, can possible comply with. In this regard, however, I see evidences here of a modification of public sentiment, and from this I expect much.

I need scarcely assure you that my efforts shall continue to be exerted in facilitating the restoration of peace. This, your instructions, as well as my sense of duty, would require; but I find an additional incentive in my great desire to avail myself of the leave of absence granted me by the State Department, and so long held in abeyance because of the war. Since the receipt of instructions No. 119, which came to hand by the last mail, I have had a friendly conversation with Minister Valderama concerning the negotiations at Lima, and after the arrival of Mr. Altamirano I expect to see him again, when I may have something worth communicating. The information upon which the instruction above mentioned was based seems to have been somewhat faulty in that it indicated that President Pierola, with his army, had retired to the interior. It is reported here, and believed, that the Peruvian army was entirely dispersed, and that Pierola took refuge in the mountains surrounded by a few followers only.

About 6,000 of the volunteer troops have been returned to Chili and mustered out of the service. General Baquedano, the commander-in-chief, accompanied them, and they were received with universal rejoicing.

I inclose an English translation of General Baquedano's report of events preceding the occupation of Lima by the Chilian army.*

I have, &c.,

THOMAS A. OSBORN.

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*This is a newspaper report omitted on account of its length. It can be fnrnished if desired.

No. 116.

Mr. Osborn to Mr. Blaine.

No. 201.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 5, 1881. (Received May 17.)

SIR: In my No. 198, in speaking of the prospects of peace, I informed you that Mr. Altamirano, one of the ministers authorized to treat with Peru, was on his way to Chili. Since his arrival he has had extended interviews with the government regarding the situation in Lima, and as a result I have good reason for believing that the President's hopes touching the government of Calderon have been very seriously weakened. The impression seems to be gaining ground that the demoralization prevailing in Peru is so great as to prevent the establishment, at present, of any government with sufficient solidity to warrant Chili in negotiating with it. If this should become the view of the government, as seems probable, the indications are that the policy for the future would involve the removal to Chili of all valuables belonging to the Government of Peru, the destruction of all means of defense, and the withdrawal of the Chilian forces to Arica. From this point, itis inferred, they would watch with interest the movements of the factions in Peru in their struggles for the ascendency. Minister Vergara has been sent for, and is expected in a few days, when it is understood a definite course is to be determined upon.

If the policy which I have outlined should be adopted, all talk regarding a formal peace would be mere speculation.

I have, &c.,

THOMAS A. OSBORN.

No. 117.

Mr. Osborn to Mr. Blaine.

No. 202.] LEGATION OF THE UNITED STATES,
Santiago, Chili, April 6, 1881. (Received May 17.)

SIR: The representatives here of Great Britain, France, and Italy, acting jointly under instructions, have tendered the mediation of their respective governments, with a view of putting an end to the war, but this government has deemed it advisable to decline their offer.

I conclude that the agents of the European powers were not dissatisfied with the answer which they received. They probably regard the present unsettled state of affairs in Peru as presenting a serious obstacle to negotiations, and are, I judge, not disappointed that they should be excused, by the action of this government, from entering upon the performance of a work which would seem to have so little promise of a happy result.

I have, &c.,

THOMAS A. OSBORN.

No. 118.

Mr. Martinez to Mr. Hitt.

[Translation.]

LEGATION OF CHILI,
Washington, D. C., May 6, 1881.

ESTEEMED SIR AND FRIEND: The New York papers are publishing a rumor that it is possible that Chili may establish a protectorate over Peru, because that country cannot form a government of its own, and because many sensible people are asking for such a protectorate.

I am sorry that I cannot call and speak with Mr. Blaine personally on this subject. Nevertheless I desire to inform him, through you, that there is no ground whatever for such rumor; and that, even though *all* the Peruvians should clamor for a protectorate, Chili would on no account consent to establish one.

With sentiments of highest esteem, &c.,

M. MARTINEZ.

No. 119.

Mr. Osborn to Mr. Blaine.

No. 205.] LEGATION OF THE UNITED STATES,
Santiago, Chili, May 7, 1881. (Received June 7.)

SIR: In my No. 201, of date April 5th, regarding the war in this section, I mentioned the fact that the minister of war, Mr. Vergara, who had been with the army at Lima, had been sent for, and was then on his way to Chili. Since his arrival the government has labored to reach a conclusion touching the course to be pursued with Peru, and to that end numerous and extended discussions among the ministers and prominent citizens of the republic who had been invited to participate, have taken place. Three plans or propositions were discussed: First, that spoken of by me in my No. 201, involving the withdrawal of the army to Arica; second, the occupation of the entire Peruvian coast by the Chilian forces, and its government by Chilian authorities; and third, the strengthening of the government of Calderon and the negotiation of a peace therewith. The propriety of entering into negotiations with Pierola was not even dignified with a consideration. After much labor the government reached the conclusion that the last proposition afforded the easiest way out of their complications, and it has been determined to send to Peru, in charge of the negotiations, Mr. Godoy, who in times past represented Chili in Washington. Mr. G. is well qualified for the delicate post which he is called upon to fill. He occupied the position of minister to Peru for several years immediately preceding the opening of hostilities, and is thoroughly informed of that country and its people, and of the causes which brought about the present war. In conversation with me yesterday, he expressed the belief that three or four months would serve to bring the difficulties to a conclusion, and it is to be hoped that the result may prove him to be not over-sanguine.

The ministry has freely counseled with me regarding the difficulties of the situation, and, in view of their previous determination to have nothing to do with Pierola, I cannot but applaud the result of their delibera-

tion. To vacate the country now would be to turn it over to anarchy, and to attempt to occupy the entire coast would in time involve both countries in ruin. The most feasible way to peace is, in my opinion, the one resolved upon. In fact it is the only one which offers any reasonable hope of a solution of the difficulties during the present generation.

I have endeavored to impress upon the authorities here, and not without, I judge, some measure of success, the propriety of their affording the government of Calderon greater freedom of action than it has hitherto enjoyed. I have urged upon them that if it is their purpose to strengthen and dignify the new government, and place it in a position to claim recognition at home and abroad, they should give it possession of the capital freed from the embarrassments of Chilian military rule, and should enable it to raise revenue for its proper support. It will be remembered that the new government has been confined to a small village in the neighborhood of Lima, which was exempted from the operation of martial law, while the capital has been occupied by the Chilian military authorities; and it will also be borne in mind that the custom-house at Callao, almost the only source from which revenue can be readily raised, has remained in possession of the Chilians.

This government will unquestionably insist upon the relinquishment by Peru of the province of Tarapacá, and unless the Peruvian authorities shall be found ready to concede this, the attempt to make peace will fail. It is probable, also, that Chili will demand the province of Moquegua, which includes the towns of Arica, Tacna, and Moquegua; but I incline to the belief that they will not insist upon this to the extent of endangering the negotiations. They will doubtless move cautiously, however, taking good care to see that they are to be sustained by the country; and as the public expectation has been raised to a most extravagant point, their way may be beset by serious difficulties.

I regard it as quite probable that the terms of the treaty may provide for the maintenance of Chilian garrisons at Callao and Arica until some minor conditions shall be complied with. And it is well perhaps for the interests of those who are concerned in the preservation of order there that the term of this occupation should not be limited to too brief a period.

I have, &c.,

THOMAS A. OSBORN.

No. 120.

Mr. Blaine to Mr. Kilpatrick.

No. 2.] DEPARTMENT OF STATE,
Washington, June 15, 1881.

SIR: The unfortunate condition of the relations between Chili and Peru makes the mission upon the duties of which you are now entering one of grave responsibility and great delicacy. Difficult as would be any intervention of the United States under ordinary circumstances, our position is further embarrassed by the failure of the conference at Arica, undertaken at our suggestion. It is evident from the protocols of that conference that Chili was prepared to dictate and not to discuss terms of peace, and that the arbitration of the United States upon any questions of difference with the allied powers of Peru and Bolivia was not

acceptable and would not be accepted by the Chilian Government. Since that time the war has closed in the complete success of Chili, and in what can scarcely be considered less than the conquest of Peru and Bolivia.

This government cannot therefore anticipate that the offer of friendly intervention in the settlement of the very serious questions now pending would be agreeable to the Government of Chili. It would scarcely comport with self-respect that such an offer should be refused, and it would be of no benefit to Peru and Bolivia that it should be offered and declined. But I am sure the Chilian Government will appreciate the natural and deep interest which the United States feels in the termination of a condition so calamitous in its consequences to the best interests of all the South American republics. It should also know that if at any time the interposition of the good offices of this government can contribute to the restoration of friendly relations between the belligerent powers, they will, upon proper intimation, be promptly offered.

While, therefore, no instructions are given you to tender officially any advice to the Government of Chili which is unsought, you will, on such opportunity as may occur, govern your conduct and representations by the considerations to which I shall now call your attention.

Without entering upon any discussion as to the causes of the late war between Chili on the one side and Peru and Bolivia on the other, this government recognizes the right which the successful conduct of that war has conferred upon Chili; and, in doing so, I will not undertake to estimate the extent to which the Chilian Government has the right to carry its calculations of the indemnities to which it is entitled, nor the security for the future which its interests may seem to require. But if the Chilian Government, as its representatives have declared, seeks only a guarantee of future peace, it would seem natural that Peru and Bolivia should be allowed to offer such indemnity and guarantee before the annexation of territory, which is the right of conquest, is insisted upon. If these powers fail to offer what is a reasonably sufficient indemnity and guarantee, then it becomes a fair subject of consideration whether such territory may not be exacted as the necessary price of peace.

But at the conclusion of a war avowedly not of conquest, but for the solution of differences which diplomacy had failed to settle, to make the acquisition of territory a *sine qua non* of peace is calculated to cast suspicions on the professions with which war was originally declared. It may very well be that at the termination of such a contest the changed condition and relation of all the parties to it may make readjustment of boundaries or territorial changes wise as well as necessary; but this, where the war is not one of conquest, should be the result of negotiation and not the absolute preliminary condition on which alone the victor consents to negotiate. At this day, when the right of the people to govern themselves, the fundamental basis of republican institutions, is so universally recognized, there is nothing more difficult or more dangerous than the forced transfer of territory, carrying with it an indignant and hostile population, and nothing but a necessity proven before the world can justify it. It is not a case in which the power desiring the territory can be accepted as a safe or impartial judge.

While the United States Government does not pretend to express an opinion whether or not such an annexation of territory is a necessary consequence of this war, it believes that it would be more honorable to the Chilian Government, more conducive to the security of a permanent peace, and more in consonance with those principles which are professed

by all the republics of America, that such territorial changes should be avoided as far as possible; that they should never be the result of mere force, but, if necessary, should be decided and tempered by full and equal discussion between all the powers whose people and whose national interests are involved.

At the present moment, the compieteness of the victory of Chili seems to render such a diplomatic discussion impossible. The result of the conflict has been not only the defeat of the allied armies, but the dissolution of all responsible government in Peru. Its soil is occupied, the collection of its revenues transferred to the conquerors, and its executive, legislative, and judicial functions in abeyance. It can neither enforce order within nor assure peace without.

An effort, and apparently a very earnest and honest one, has been made to create a provisional government, which shall gradually restore order and the reign of law. But it is obvious that for such a government to succeed in obtaining the confidence either of its own people or foreign powers, it must be allowed a freedom and force of action which cannot be exercised while Chili holds absolute possession and governs by military authority. This government, therefore, has been glad to learn from its minister in Chili, whom you succeed, that the Chilian authorities have decided to give their support to the efforts of Señor Calderon to establish on a steady footing a provisional government in Peru.

You will, as far as you can do so with propriety and without officious intrusion, approve and encourage this disposition on the part of the Chilian Government, and this Department will be exceedingly gratified if your influence as the representative of the United States shall be instrumental in inducing the Government of Chili to give its aid and support to the restoration of regular, constitutional government in Peru, and to postpone the final settlement of all questions of territorial annexation to the diplomatic negotiations which can then be resumed with the certainty of a just, friendly, and satisfactory conclusion.

In any representation which you may make, you will say that the hope of the United States is that the negotiations for peace shall be conducted, and the final settlement between the two countries determined, without either side invoking the aid or intervention of any European power.

The Government of the United States seeks only to perform the part of a friend to all the parties in this unhappy conflict between South American republics, and it will regret to be compelled to consider how far that feeling might be affected, and a more active interposition forced upon it, by any attempted complication of this question with European politics.

If at any time you shall judge it expedient and advantageous to read this dispatch to the minister of foreign affairs, you are authorized to do so. The decision on this point is left to your discretion.

I am, &c.,

JAMES G. BLAINE.

No. 121.

Mr. Kilpatrick to Mr. Blaine.

No. 3.] LEGATION OF THE UNITED STATES,
Santiago, Chili, August 15, 1881. (Received September 22.)

SIR: The considerations and instructions contained in your dispatch No. 2, dated June 15, 1881, relating to the course Chili should pursue in the final settlement of peace with Peru, have received my earnest attention.

You say in your dispatch that—

> The Department will be exceedingly gratified if your influence as the representative of the United States shall be instrumental in inducing the Government of Chili to give its aid and support to the restoration of regular constitutional government in Peru, and to postpone the final settlement of all questions of territorial annexation to the diplomatic negotiations, which can then be resumed with the certainty of a just, friendly, and satisfactory conclusion.

If I understand you aright this is the full intent and purport of your dispatch.

Taking this for granted, I have the honor to report that, so far as the assurances of public men can be relied upon, your instructions have been complied with, your ideas of final terms of peace accepted, not only by the present administration at Santiago, but, still better, by Señor Santa Maria, the President elect, whose administration will have begun when you receive this note.

I beg your patient attention to the somewhat lengthy explanation I am compelled to make of my action in the matter.

As soon as I received your instructions I made inquiries to ascertain the real intention of the Government of Chili regarding peace with Peru. For a time I was completely misled; it seemed as if the government had no plan, but would leave the whole matter of final settlement to the incoming administration. In this I was mistaken, as were the public men of Chili with whom I conversed, outside the President and his cabinet. I discovered later on that the President was alarmed at the views you advanced, delicately brought to his attention, and in all probability would not be inclined to accept them. I at once became satisfied that the President and his cabinet held not only other views, but were contemplating absolute peace with the Government of Señor Calderon. I therefore did not deem it wise to acquaint the Secretary of State and the President with the full purport of your dispatch. I adopted what I thought to be a wiser course; I called upon Señor Louis Aldunate, the first friend of the President elect, a gentleman of great ability, who, I have reason to know, will occupy the first position in the cabinet of President-elect Santa Maria. I read him your dispatch, and at the same time informed him of my belief regarding the intention of President Pinto. After a full discussion of each separate point, and explanations of what I believed to be the result of misinformation on your part regarding "annexation of hostile territory," (to which I will refer again) your views were substantially accepted as wise and just. Señor Aldunate immediately acquainted President-elect Santa Maria with the contents of your note, and both have assured me—

> That not one foot of Peruvian territory will be exacted by force unless all efforts of diplomatic negotiations shall fail, and that in no case can Chili treat finally with the Government of Señor Calderon until it shall appear that his government is re-

spected and obeyed throughout Peru, which does not obtain at this moment. That no doubt President Pinto would like to celebrate the last days of his administration by a proclamation of peace with Peru, with the Government of Calderon, a government with out a single element that constitutes a real government, and that would fall at once but for Chilian protection.

I was invited to attend Congress the following day, when the government would be interpolated regarding its plans and purposes. I went, found the House crowded with people, and, amid great excitement, heard the cabinet of President Pinto questioned and worried by Señor Lira, the first orator of Chili. I intended to send you translations of the speeches in this debate, but am too unwell to attempt it. I have been confined to my bed the greater portion of the time since my arrival in Chili. This debate developed the fact that President Pinto was contemplating peace with the Government of Calderon—peace which, from the nature of the debate, I was satisfied, must of necessity include territorial annexation. Intimate friends of the administration not only confirmed this belief, but convinced me further that President Pinto was determined to accomplish his purpose; that he yet had time, and that the Government of Calderon was in no condition to refuse any conditions Chili might impose. How to prevent this without giving offense to President Pinto I could not satisfactorily answer. I had gained the incoming administration; this was not sufficient. I determined finally to approach the administration, and change its purpose if possible. I sent for Señor Aldunate and Señor George Huneens, the solicitor for the government whose name you will find frequently mentioned in the paper relating to the Arica conference, and asked them to arrange for me a meeting with the secretary of state and secretary of war, the dominant members of the President's cabinet.

After some delay this was agreed upon, and a conference was held at my house last night between Señor Valderrama, secretary of state, Señor Vergara, secretary of war, Aldunate, and Huneens. The conference lasted from 7 p. m. till one in the morning. I am too ill to give you a full account of the meeting; the result is all I can forward at this time.

Your dispatch was read and fully considered, and its advice and suggestions pressed upon the secretary of state. He finally replied. "The ideas indicated by Secretary Blaine are in direct conflict with those held by the Government of Chili, and if we abandon our policy it is out of respect for the opinion of the administration at Washington. You may therefore say to your government, that every effort would be given by Chili to strengthen the Government of President Calderon, giving to it the most perfect freedom of action, considering the Chilian occupation. That no question of territorial annexation would be touched until a constitutional government could be established in Peru, acknowledged and respected by the people, with full powers to enter into diplomatic negotiations for peace. That no territory would be exacted unless Chili failed to secure ample and just indemnification in other and satisfactory ways, as also ample security for the future, and that in no case would Chili exact territory save when Chilian enterprise and Chilian capital had developed the deserts, and where to-day nine-tenths of the people were Chilians; and finally that Chili would never consent to submit her rights gained in battle to the arbitration of any European power." This embraces, I think, all the important points contained in your dispatch; and if so, then I trust I have, fulfilled my instructions.

The character of the territory, its people, &c., that Chili may finally be compelled to demand, I will speak of in my next communication. One

other matter and I have done. The secretary of state has just placed in my hands the following telegram, dated Lima, August 16:

> Hurlbut, the United States minister, has notified Calderon that the United States will under no circumstances permit annexation of territory to Chili; he has also repeated this statement to outside parties. It is now the subject of conversation here, complicates and endangers our occupation.
>
> LYNCH,
> *Commandant in Chief.*

If this be true, which I cannot believe, it will not only create bad feeling here in Chili, but compromise my action. Certainly it is not in conformity with my instructions, for you distinctly say Peru and Bolivia should be allowed to offer such indemnity and guarantee *before the annexation of territory, which is the right of conquest*, is insisted upon." Again, you say, "If these fail to offer what is a reasonable, sufficient indemnity and guarantee, then it becomes a fair subject of consideration whether such territory may not be exacted as the necessary price of peace." In no way can the letter or spirit of your dispatch be tortured into saying "The United States will not permit in any case annexation of territory to Chili." General Hurlbut has not sent me the Department cipher, or I would telegraph him, that he may know that he has been misunderstood or misinterpreted, and in time correct false impressions. If my mission is a delicate one, his is still more so, for he has two governments to deal with, the Chilian Government, under Lynch, and the provincial government of Calderon. I have done what I could to satisfy the secretary of state that there must be some mistake; that you would not send one class of instructions to me and another to our minister at Lima.

Very, &c.,

J. KILPATRICK.

No. 122.

Mr. Kilpatrick to Mr. Blaine.

No. 8.] LEGATION OF THE UNITED STATES,
Santiago, Chili, October 14, 1881. (Received November 18.)

SIR: I have the honor to inclose copies of Señor Balmaceda's note of the 8th instant, and my reply of same date.

In a previous communication I called your attention to the great disquiet caused by the tenor of General Hurlbut's remarks when presented to Señor Garcia Calderon. This was soon largely increased by telegrams from persons in high position in Buenos Ayres, stating, in the most positive terms, my government had determined to prevent any annexation of Peruvian territory, and to oblige Chili to accept an indemnity in money or its equivalent. It was further added to by the general's note to Señor Garcia Calderon, and by the reports of his general and private conversation, in which he apparently confirmed the position assumed to have been taken by my government; and, lastly, by the terms of his memorandum to Admiral Lynch.

In replying to Señor Balmaceda, I deemed the time had arrived for me, as far as my strength would permit, to take advantage of the authority given in my instructions, and to make clear to the Government of Chili the entire uniformity in the instructions to both legations, and to establish beyond a doubt that my government holds fast to the policy

adopted at the commencement of the war. I have ample assurances that my note has given great satisfaction.

Regretting the unfortunate state of my health will not, for the moment, allow a more exhaustive statement of affairs, and trusting my action will meet your approval,

I am, &c.,

J. KILPATRICK.

[Inclosure in No. 8.]

Mr. Kilpatrick to Mr. Balmaceda.

UNITED STATES LEGATION,
Santiago, October 8, 1881.

SIR: I have the honor of acknowledging the receipt of your excellency's note of this date, in which you call my attention to the fact that the daily papers of Valparaiso and of this capital have given publicity to a memorandum sent by my colleague in Lima, the honorable Mr. Hurlbut, to Rear-Admiral Lynch, commander of the Chilian forces in the capital of Peru. Your excellency is surprised at the publicity given to a confidential document "of little importance, considering the form and circumstances under which the same was produced." Your excellency therefore considers it convenient to direct a note to this legation "with the view of establishing the good faith and sincerity of the relations so happily cultivated by our respective governments."

Although, as your excellency is aware, I have been for some weeks past, and still am, seriously unwell, recognizing as I do the serious consequences, complications, and misunderstandings that might possibly arise, consequent from the unwise publicity of the memorandum of Mr. Hurlbut to Rear-Admiral Lynch, and the spirit thereof, at least so far as may be judged from the document as published, the circumstances oblige me, despite the warnings of my medical advisers, to accede without delay to the wishes expressed by your excellency, and replying, although perhaps not in so definite a manner as, owing to the occasion, I should desire.

In the first place allow me to assure your excellency in most unequivocal manner the Government of Chili has no reason for disquietude, either as respects the intention or the attitude that my government may assume as to the war on the Pacific coast. The Government of the United States has not at any time interfered officiously in the public affairs of other countries, not even when its own interests have been compromised, and much less would it do so when the interests involved are those of friendly nations respecting whom there can be no motive inducing it to partiality.

I had read the memorandum of Mr. Hurlbut, as also the speech at his reception by President Garcia Calderon, both articles having been forwarded to me from Lima some time since, and I at once communicated with my government regarding the same. The first of said documents cannot be considered as having either official or diplomatic character, as the author himself says in the note of which your excellency has sent me a copy.

The instructions given me by my government are, undoubtedly, the same as those given Mr. Hurlbut, and it may be said in truth that they have none of the spirit predominating in the document to which your excellency alludes. The instructions of the Secretary of State, Hon. Mr. Blaine, contain nothing of doubtful meaning, he having such decided confidence in the intelligence, justice, and generosity of the Government of Chili that he authorized me to make them known to his excellency the President, or his minister, should I at any time consider it convenient to communicate them.

In order that no room for doubt may exist in your excellency's mind as to the position of my government in regard to the conditions of peace between Chili and Peru, and its determination to abstain from taking any part in the matter, I have no hesitation in subjoining a copy of a paragraph of said instructions which reads as follows:

"Since the suspension of the Arica conferences the war has ended in a complete success for Chili, and in what may be considered as little less than the conquest of Peru. This government cannot undertake to suppose that the offer of a friendly intervention in questions still pending would be agreeable to the Government of Chili. But I am sure the Government of Chili will appreciate the natural and profound interest taken by the United States in the ending of a situation so calamitous in its results to the best interests of the South American republics. The Government of Chili must also know that if at any time the interposition of the good offices of this government will contribute to the re-establishment of friendly relations, they (the United States) will promptly offer it whenever it manifests such wish."

It is further added in these instructions that in all conversation with persons of your excellency's government on this subject I am to observe established international law, and that under no condition whatever am I to offer unsought advice to the Government of Chili.

Again, in speaking of the provisional government of Señor Garcia Calderon, which the administration at Washington hoped to have seen established, my instructions are to encourage the same only to the extent that it may be done in a dignified and neutral way by a plenipotentiary, without officious interposition.

I think these extracts of the instructions given me by my government will be sufficient to convince your excellency that there exists, no intention on the part of my government of interfering arbitrarily in the conflict existing on the Pacific coast, and that its acts and conduct are those of a friendly nation desirous of proceeding in the most delicate manner.

I trust, therefore, that your excellency's government will continue its full confidence in the long and well-established policy of the United States, whose friendship has lasted so many years and has never been more sincere than at the present moment.

With the considerations of the highest regards and esteem,

I am, &c.,

J. KILPATRICK.

No. 123.

Mr. Martinez to Mr. Blaine.

LEGATION OF CHILI,
Washington, October 24, 1881.

SIR: To-morrow, or the day after, I shall have the pleasure to call on you in order to deliver two autograph letters from the President of Chili.

In the mean time I allow myself to inclose some articles published in some of the newspapers, which will let you know the political course which Minister Hurlbut has been pursuing in Peru.

The New York Herald published the letter written by Mr. Hurlbut to Garcia i Garcia, Piérola's only minister, in which he decisively declares that Peru will never yield any portion of her territory to Chili.

Other paper, cut out from the National Republican of this city, contains a communication relating to the clandestine or fraudulent emission of bank-notes emitted by Garcia Calderon, and which compelled General Lynch to act in the manner that I spoke of in our last intercourse.

The third article, published in the New York Evening Post, is very sensibly written, and in which Mr. Hurlbut's diplomatic conduct is very accurately criticised.

I have also a copy in Spanish of the letter addressed by Minister Hurlbut to General Lynch, after the occupation of the fiscal office of Garcia Calderon. This letter is written more or less in the same sense as that addressed to Garcia y Garcia.

With sentiments of my highest consideration, I am your obedient servant,

M. MARTINEZ.

[Extract from New York Herald.]

GENERAL HURLBUT'S LETTER.

The following is a translation from the Spanish of the original letter written in English by General Hurlbut, the United States minister here, to Don Aurelio Garcia y Garcia, secretary-general of Don Nicolas de Piérola. The letter was intended to be private, and, indeed, is only from one gentleman to another; but the government here found it so pleasing and so much to the point, that its publicity in Lima to-day is

owing to such partiality. When Mr. Hurlbut penned the communication he never thought it would see the light in Lima. To say that it has caused a sensation would be to underrate the truth, and the truth contained in it cannot be controverted:

LIMA, *September* 12, 1881.

To AURELIO GARCIA Y GARCIA, Esq.,
Ayacucho:

SIR: I have the honor to own receipt of your letter dated August 28 last. In answer allow me to observe that I hardly consider it proper to discuss the internal affairs of Peru, if not replying to some formal and proper invitation to do so. But since yours gives me an opportunity to express to you particularly my frank opinion, I shall so proceed, and at the same time employing all the kindness possible. It is an accepted fact that ours is a republic, governed by a constitution which is regarded as the supreme law. Mr. Piérola took possession of the reins of power and arrogated to himself an authority not recognized by that constitution; these were acts in themselves revolutionary and contrary to the true obedience required by law. The violent and compulsory manner by which that revolution was effected stamped the act itself as being a crime against liberty. The dictatorship was nothing but an autocratic and despotic tyranny, not only in its plan, but in its name and actions. While it lasted the constitutional government of Peru was overwhelmed by the will of one man, which replaced the laws and the regimen of the constitution. The people of Peru, in the midst of the perplexities of a war of invasion, accepted this autocracy, believing that victory was to be achieved under its banners.

Foreign nations acknowledged this power as a government *de facto*, but never gave their approval to either its origin or the system followed. Instead of victory, the dictatorship brought as a result terrible defeats, and the Dictator fled from the capital. The people of Peru have not had since that moment an opportunity to freely express ther will and sympathy. According to the constitution, the National Assembly—the minister refers to that of Ayacucho—has no right to exist, and its resolutions or laws have no more legal weight than the opinions expressed by a similar number of simple citizens. Therefore the confirmation of the full and autocratic faculties given to the ex-dictator, under his new title of President, confer no further validity in the eyes of the law to his authority and pretensions.

I am obliged, for this reason, and to my regret, to say to you that the last decrees issued in Ayacucho, regarding the persons and property of those citizens who decline to recognize Mr. Piérola are inhuman and barbarous, and serve to place the government employing such measures beyond the pale of the law. (Mr. Hurlbut refers to a wholesale decree of confiscation and death issued by Piérola, but which has not yet caused any great alarm among his opponents.) These violent decrees are, according to my way of thinking, conclusive proofs that the government of which you form a part is only supported by force, and not by the weight of public opinion. A strong government, resting or based on public opinion and sovereign will, never appeals to such cruel means of devastation. Such methods oblige civilized governments to regard with reprobation the authorities employing them. I think I have said all that I think is my duty respecting the government presided over by Mr. Piérola. The administration of Mr. Garcia Calderon does not pretend to be perfectly regular in its formation. It is provisional, that is, a transitory means of exercising governmental functions until such time as the nation may act directly and without pressure. It is supported by Congress, a national Congress recognized by the constitution, and it is the embodiment of an effort toward the re-establishment in this country of a properly organized and constitutional government. You are mistaken in stating that this government of Mr. Garcia Calderon meets with Chilian sympathy; it desires peace, as does the entire country, but without sacrificing national honor, nor will it cede territory *to obtain* that peace. The Chilian authorities are in communication with both parties, and even you have written to Admiral Lynch. Chili desires and asks for the territory of Tarapacá, and will recognize the party ceding it. The cabinet of Garcia Calderon will not consent to this cession; it remains to be seen if Mr. Piérola will do so. Meanwhile, under the regimen inaugurated in Ayacucho and put in practice by the prefects, Peruvians are to-day more deadly enemies to themselves than are the Chilians, and the efforts of those friendly to Peru are paralyzed on account of these internal dissensions. When the United States asks Chili why she cannot make peace, the answer is that no one can be found in Peru to treat with.

Is it not better to put an end to this state of affairs, and for all true Peruvians to unite under one chief, whose authority would be acknowledged and protected by all parties and factions, in order to save the country from its imminent ruin, to establish peace, and restore the proper and pacific supremacy of the constitution and the law?

I have the honor, &c.,

S. A. HURLBUT.

No. 124.

Mr. Martinez to Mr. Blaine.

[Translation.]

The envoy extraordinary and minister plenipotentiary of Chili has the honor to present his respects to his excellency the Secretary of State, and to inclose herewith, pursuant to the request his excellency was pleased to make, a copy of the confidential dispatch of the minister for foreign affairs of Chili, dated the 12th of September last.

WASHINGTON, *October* 27, 1881.

[Inclosure.—Translation.]

Mr. Valderrama to Mr. Martinez.

Confidential.] SANTIAGO, *September* 12, 1881.

By dispatches which were in due season addressed to you by Don Joaquin Godoy from Lima you will have been informed of the very uncircumspect conduct of the minister of the United States recently accredited to the provisional government of Señor Garcia Calderon.

From the time of his arrival at Lima Mr. Hurlburt has omitted no signs of decided partiality in favor of Peru, giving it to be understood that the Government of the United States would resist any arrangement which Chili might endeavor to effect with that republic, and which might involve the cession of any part of its territory.

These ideas, which obtained a footing among the public men of Peru, acquired still greater persistence after the address delivered by the American minister on the public occasion of presenting his credentials to the provisional President. From that moment Mr. Garcia Calderon, the members of his cabinet, and all persons who had any influence whatever upon the public opinion, deemed themselves encouraged by the words and demonstrations of the representative of the United States, believing that they saw therein the expression of the policy which the Cabinet at Washington proposed to adopt.

Our plenipotentiary, Mr. Godoy, carefully observed the reaction which was brought about in the Peruvian mind by the conduct of Mr. Hurlbut. To the negotiations which have been initiated in a conciliatory and accommodating spirit before the arrival of the American minister, there succeeded after his arrival a sudden and unlooked-for change, the explanation of which can only be attributed to the influence, directly or indirectly, produced by the attitude of the representative of the United States. In this state of affairs our plenipotentiary deemed it proper to suspend the negotiations already set on foot, and went to Chili to confer with my government.

Being desirous of inquiring if the conduct of Mr. Hurlbut responded to a political plan of his government, I held a conference with Mr. Kilpatrick, who expressed himself dissatisfied with the manner in which his colleague in Lima had begun his diplomatic mission. Mr. Kilpatrick did not hesitate to affirm that Mr. Hurlbut did not faithfully represent the policy of abstention and neutrality of his government. In order to relieve my government of all unfounded apprehension in this respect, he made me acquainted with the dispatch which contained his own instructions, adding that the instructions given his colleage at Lima, who was appointed at the same time, could not but be in entire conformity with his own.

In those instructions, and in the part thereof which refers to the war between Chili, Peru, and Bolivia, the Government of the United States shows itself in entire conformity with its previous policy. It exhibits the intention of not interfering in the solution of the war, except in the case of its good offices being solicited by all the belligerents. As respects the cession of a part of the Peruvian territory, the Government of the United States expresses no surprise whatever that such should appear among the conditions of peace. It observes, in passing, that it would be expedient if the territorial cession should not comprise cities whose inhahitants are exclusively Peruvians, and should not desire to choose the citizenship of our country. But this last appears rather a friendly reflection than as an exigency of American policy.

Meanwhile it is not possible to ignore the fact that the presence of Mr. Hurlbut in Lima has been in a high degree prejudicial to the conclusion of arrangements for peace. I have ground to believe that he continues to place at the service of the purposes of

the provisional government all the influence which can be given by the representative character he holds.

As late as yesterday I learned, in a confidential way, but one entirely trustworthy, that he has sent a telegram to Mr. Kilpatrick, in Santiago, begging him to forward it to his colleague at Buenos Ayres. In this telegram Mr. Hurlbut seconded, doubtless, the plans of Mr. Garcia Calderon, and asks his colleague in Buenos Ayres that he should represent to the Argentine cabinet the urgent necessity of accrediting, without loss of time, a representative at Lima. There are reasons to think that the government of Señor Garcia Calderon would welcome the presence of an Argentine minister in Peru, in order to seek therefrom mild or effective aid against us.

These considerations, to which you will give all the importance which they themselves possess, induce me to charge you to endeavor to see the Secretary of State, in order to let him see, in a confidential and delicate way, the manner in which Mr. Hurlbut is interpreting his policy in Peru. You will endeavor, also, with the greatest discretion, to *obtain from the American Government some act or declaration which will tend to destroy the bad impression caused by the conduct of their representative in Lima*, to avoid in future that he shall continue to create difficulties foreign to his official character, and contrary to the ever friendly and loyal policy of the United States.

May God guard you.

MELQUIADES VALDERRAMA.

Señor Don MARCIAL MARTINLZ, *&c., &c., &c.*

No. 125.

Mr. Martinez to Mr. Blaine.

LEGACION DE CHILE,
Washington, October 28, 1881.

SIR: Yesterday when I read to you Admiral Lynch's letter I made you remark that this gentleman said that he was going to take possession of the offices belonging to Garcia Calderon without giving previous knowledge of this act to anybody, in order that the important papers might not be hidden. But I have just had another letter from Mr. Lynch, telling me that he thought it more prudent to let Mr. Garcia Calderon himself know about what he was going to do. He assures me that that gentleman consulted Minister Hurlbut and some of the senators and deputies, and consequently addressed to Mr. Lynch a very original and eccentric letter. This same letter has been published in the Lima papers, and now I have it in my possession. Lynch answered it immediately.

Garcia Calderon and his friends spoke about the American fleet meeting at Callao. In fact, Mr. Hurlbut called the admiral-in-chief, who thought that there had been an insurrection in Lima, occasioned by the withdrawal of the Chilian troops. He was greatly surprised at finding everything in peace. The American admiral does perfect justice to the Chilians.

Seeing General Lynch that Garcia Calderon persisted in giving himself Presidential airs, although he had no offices nor territory to rule, thought that this queer conduct arose from that fiscal emission of bank-notes that I have mentioned to you; so that the Chilian chief had to issue a decree to put a stop to that affair.

I make these explanations, so that you might see that Mr. Lynch's conduct has been perfectly correct.

I am, sir, yours, obedient,

M. MARTINEZ.

No. 126.

Mr. Blaine to Mr. Kilpatrick.

No. 13.] DEPARTMENT OF STATE,
Washington, November 22, 1881.

SIR: Your dispatch, No. 8, conveying a copy of your reply to Señor Balmaseda has been received. The communication to which it was a reply should have accompanied it, in order that the Department could properly judge of your answer.

Your letter is not approved by the Department. You had had ample opportunity, and, as you have before stated, availed yourself of it, to make known to the Government of Chili the scope of your instructions, and to give it abundant assurance of the friendly feeling of your own government.

If the conduct of Mr. Hurlbut in Peru had given sufficient ground of complaint to the Chilian Government, that complaint should have been made in Washington. Mr. Hurlbut's presentation speech to President Calderon, his memorandum to Admiral Lynch, his letter to Garcia, and telegraphic reports from Buenos Ayres, were not subjects upon which you were called to pass judgment, nor upon which you should have been interrogated by the Chilian Government. Nothing in your conduct or language had excited its apprehensions, and no explanation was due or could have been expected from you, of the language or conduct of your colleague in Peru. I should have been glad if it had occurred to you to call the attention of the secretary for foreign affairs to the impropriety of such a communication, and, in referring to the fact, that your instructions, which you were authorized to communicate to him, gave all the assurance which he could either desire or ask, of the friendly disposition of the United States, I should have much preferred that you had furnished him with a copy of those instructions instead of submitting a paraphrase which does not fully represent their spirit and meaning.

Indeed, I find it difficult to understand how the Chilian Government could have been under any misapprehension as to the disposition or purpose of the United States, when the instructions both to yourself and to Mr. Hurlbut had, in fact, been already frankly communicated; the former, according to your dispatch No. 3, to the outgoing administration, and the latter by this Department to Mr. Martinez, the representative of the present government. It is still more difficult to understand the abolition of the Calderon Government and the arrest of the President himself, in the face of your assurance in your dispatch No. 3, where you quote the following as having been addressed to you by Señor Valderrama, viz:

> You are therefore authorized to say to your government that every effort would be given by Chili to strengthen the government of President Calderon, giving to it the most perfect freedom of action, considering the Chilian occupation. That no question of territorial annexation would be touched until a constitutional government could be established in Peru, acknowledged and respected by the people, with full powers to enter into diplomatic negotiations for peace.

And it would only have been natural if you had asked, for the information of your government, if not for your own, for what reasons and by what means the Calderon government had, as Señor Balmaseda informed you, "come to an end."

The President has learned with great regret of the arrest and removal of President Calderon, but in the present state of his information will

not undertake to appreciate its significance. He hopes that he will, when the facts are better known, be relieved from the painful impression that it was intended as a rebuke to the friendly disposition of the United States. The present condition of affairs, the difficulty of prompt communication with the legations of Peru and Chili, and the unfortunate notoriety of the differences between your colleague in Peru and yourself, have, in the judgment of the President, rendered a special mission necessary. You will inform the Chilian Government that a special envoy will be immediately sent, and you will assure that government that he will come in the spirit of impartial friendship, anxious to learn that recent occurrences have not been intended to disturb the long-continued and friendly relations existing between us; and instructed by the President to lay before the Chilian Government frankly, but with a scrupulous consideration for the rights and interests of that government, the views which he holds upon the deplorable condition of affairs in South America, a condition now fast assuming proportions which make its settlement a matter of deep concern to all the republics of the continent. The President cannot but anticipate that this step, suggested by the most friendly interest and justified by our existing relations, will be properly appreciated by the Chilian Government; and he sincerely hopes that no action of that government will tend further to complicate existing difficulties before the arrival of the minister.

I am, &c.,

JAMES G. BLAINE.

No. 127.

Mr. Blaine to Mr Kilpatrick.

[Telegram.]

WASHINGTON, *November* 25, 1881.

United States does not understand the abolition of Calderon Government and his arrest. Special envoy leaves Washington for Chili immediately. President hopes further action will await his arrival.

BLAINE,
Secretary.

No. 128.

Mr. Martinez to Mr. Blaine.

LEGATION OF CHILI,
Washington, November 26, 1881.

SIR: Yielding to the purpose of communicating to the Department of State the actual course of events that occur on the Pacific coast, I shall briefly refer to the authentic intelligences that I have had by the last mail.

Several of the military chiefs in Arequipa, availing themselves of the absence of Piérola and Colonel Solar, declared themselves in favor of the late provisional government of Garcia Calderon, giving the three following reasons for so doing.

1st. That Piérola's tyranny was absolutely intolerable. That the country could not carry on the war with Chili, and that the United States had offered their intervention, in order to obtain an agreement of peace that did not comprise territorial cession. Certainly those patriots did not explain how Peru could otherwise answer the claims of Chili.

Some time afterwards Rear Admiral Montero, who had been for some months past inactive on the Cajamarca mountains, accepted the irregular and unconstitutional offer for the vice-presidency of the republic. In his letter of acceptance, dated last October 23, he made declarations which are absolutely necessary that your excellency should hear of, to know on what illusions the Peruvian leaders found their politics, and also to know the role the American legation is made to assume in all those affairs.

The philosphy arising from the facts that I am going to state, is that, while these illusions and hopes are being kept up, peace will be impossible.

Montero says:

> The noble officiousness of the Government of the United States, manifested in the documents which have successively been published, even the definite declarations comprised in the letter written at the request of the notables of Lima by the honorable minister plenipotentiary from Washington (letter which nobody has seen) which has completely changed the situation, and consequently its proper resolution.

He adds, that he has officially communicated his resolution to the representative of the United States, in a dispatch directed on the same date. He finally states that "his noble wishes of increasing the elements to defend his country are greatly gratified"! and concludes, assuring that "he redoubles his activity to multiply the necessary elements in order to be always ready for its support, till he sees the final issue of the diplomatic affairs with Chili"!

If, as it is said, Garcia Calderon has been imprisoned because he insisted upon sneering the decree of the Chilian general within the limits of the Chilian forces, it is probable that Montero will represent the provisional government, and I beg your excellency to remark that this chief assures he has forces, and that he is desirous to have more to continue their armed resistance against Chili.

The protest of all these chiefs against a territorial cession is established on the chimerical intervention of the United States, warranted by Minister Hurlbut, to whom Montero has addressed himself as his immediate superior.

Your excellency's deep penetration will judge in the same way that I do, I allow so to express myself, this queer and anomalous situation. All that is extraordinary and unexpected in the affairs of Peru will very often, I have no doubt, call your excellency's attention, and will too often explain that providence did not endow that country with any logic.

I have some reasons to believe that in some information sent from Lima to the Department of State they insist on saying that the indemnification which Chili pretends to ask exceeds the limits of justice, and that the authorities in Lima have acted very cruelly towards the Peruvians.

Both informations, if they are known to your excellency, are entirely erroneous.

As to the indemnification, I will only say that those who think exaggerated the claims of Chili, entitled as it is by the perfect right of its actual situation, are under a mistake, for they are moderate and equitable, as it will probably be demonstrated as international courtesy when the time comes to make them practicable. Those who think otherwise

do not, either out of dislike, or want of knowledge in the matter, being for the rest no judges to give their opinions in businesses that do not concern them.

As for the second information, the want of truth is but too plain. If any good quality is to be precisely acknowledged in the Chilians, it is that of not being sanguinary. It can be assured that in the space of eight years not more than three or four capital executions ever occur in Chili.

When the Chilian army occupied Lima the general in chief invited the Peruvian tribunals to continue in their functions, and they absolutely refused. It was necessary to establish a military tribunal, ruled under martial law, to maintain the public peace.

In a country greatly demoralized and given up to anarchy, like Peru, it was necessary to give examples of rigor, and nevertheless there have been but few condemned to death, and those for acts of unheard of cruelty.

Meanwhile the society in Lima rests quietly under the auspices of peace and order guaranteed by the Chilians.

I shall continue to communicate to your excellency my informations, and, in doing so this time, I renew my sentiments of highest consideration.

M. MARTINEZ.

No. 129.

Mr. Blaine to Mr. Kilpatrick.

No. 16.] DEPARTMENT OF STATE,
Washington, November 30, 1881.

SIR: You have already been made acquainted by my No. 13, of the 22d instant, with the determination of this government to send a special mission to South America for the purpose of adjusting whatever questions growing out of the contest between Chili and Peru and Bolivia may affect the relation of the United States to the three belligerent powers, or conduce to the restoration of good understanding among them.

I have now to inform you that William Henry Trescot, esquire, of South Carolina, has been commissioned as special envoy, with the rank of minister plenipotentiary, to the republics of Chili, Peru, and Bolivia, and will forthwith set out upon his mission.

The commission which Mr. Trescot receives will not supersede the ordinary duties of yourself and your colleagues at Lima and La Paz; but all communications and negotiations connected with the settlement of the pending difficulties between Chili, Peru, and Bolivia, so far as this government may deem it judicious to take action, will be transferred to Mr. Trescot's charge.

Under the instructions which have been given to Mr. Trescot, he will place himself in direct communication with the several governments to which he is thus specially accredited. It is, however, expected that he will learn from you and your colleagues the exact condition of existing political relations, and receive such suggestions as your recent experience may enable you to submit for his consideration. The action he may take, however, must be decided upon his own responsibility, and in the exercise of his independent authority.

Mr. Trescot will be accompanied on this important mission by the Third Assistant Secretary of State. As it may be necessary to consult the representatives of the United States in Chili, Peru, and Bolivia at the same time, or to conduct a simultaneous negotiation with those governments, Mr. Trescot is empowered by the President of the United States to authorize Mr. Walker Blaine to represent the United States at any point where this necessity may occur.

I am, sir, your obedient servant,

JAMES G. BLAINE.

No. 130.

Mr. Blaine to Mr. Trescot.

No. 1.] DEPARTMENT OF STATE,
Washington, November 30, 1881.

SIR: You will receive herewith your commission as special envoy with the rank of minister plenipotentiary to the republics of Chili, Peru, and Bolivia. This commission will not supersede the ordinary duties of the ministers plenipotentiary and resident now accredited to those governments. But, as they will be duly informed, all communications and negotiations connected with the settlement of the pending difficulties between Chili, Peru, and Bolivia, so far as this government may deem it judicious to take action, will be transferred to your charge. Under the instructions which will be furnished, you will place yourself in direct communication with those governments; but it is expected, as I am sure you would desire, that you should learn from the United States ministers now there the exact condition of existing political relations, and that you will give due regard to such suggestions as their recent experience enables them to submit to your consideration. Whatever action, however, you may take, must be decided upon your own responsibility, and will be in the exercise of your independent authority.

After full consideration of your suggestion that it may be necessary to conduct the same negotiation at more than one point, the President has directed the Third Assistant Secretary of State to accompany you. Should the occasion which you anticipate arise, you are authorized to give Mr. Blaine the necessary instructions; his official rank in the department, and his detail for special service on this mission, being sufficient to authorize him, without a formal commission, to execute your instructions.

Your expenses, and those of the Third Assistant Secretary who accompanies you going and returning, and such as are incidental to your residence in South America and the mission upon which you are sent, will be allowed by this Department, in the confidence that with due regard to the proprieties of your position and the duties with which you are charged, these expenses will be reasonably and carefully regulated.

You will receive herewith an advance of two thousand dollars ($2,000), which will be charged to your expense account.

In the final settlement of your account for expenses, you will be required to furnish this Department with a certificate that the amounts charged have been actually expended for that purpose.

You are authorized to expend for clerical services, while engaged upon the special mission, a sum not to exceed fifteen hundred dollars ($1,500), for which you will return the proper vouchers.

Your compensation for the special mission is hereby fixed at ten thousand dollars ($10,000), upon which an allowance not to exceed $1,000 will be made to you forthwith, to be charged to your compensation account.

You are also authorized to draw upon the Secretary of State from time to time, against your compensation allowance, in sums not to exceed one thousand dollars monthly, commencing from January 1, 1882, provided the total amount of such drafts shall not exceed five thousand dollars, leaving the remainder to be adjusted at the close of your mission.

I am, &c.,

JAMES G. BLAINE.

No. 131.

Mr. Blaine to Mr. Walker Blaine.

DEPARTMENT OF STATE,
Washington, November 30, 1881.

SIR: You are aware that the President has deemed it proper to send a special mission to Chili, Peru, and Bolivia, and that the honorable William Henry Trescot, of South Carolina, has been appointed special envoy.

As it is probable that the contemplated negotiations will have to be conducted at the same time at different points, you will, by direction of the President of the United States, be attached to this mission, on special service, with your official rank as Third Assistant Secretary of State. Mr. Trescot is authorized to empower you to represent the government in any of the countries named, should the necessity occur, under such instructions as he shall give you, and he is directed, in case of his own absence, to place the mission under your charge during such absence.

While with Mr. Trescot, you will render such assistance in the discharge of his duties as he may require.

As you are already a salaried officer of the United States, no compensation can be given you beyond the repayment of your proper and necessary expenses, for which you will render an account, with such vouchers as may be obtainable, such account to be audited by the Secretary of State.

You will, in the course of your special service, communicate freely with the Department, by telegraph and in cipher, when practicable and requisite; and you will from time to time receive such instructions as may be necessary.

The Secretary of the Navy has directed the commanders of our national vessels on the South American Pacific coast to assist Mr. Trescot's movements and yours in all possible ways. To this end, a vessel of war will await your arrival at Panama.

Trusting that the success of this mission will meet the confident expectations of the President and of this Department,

I am, sir, &c.,

JAMES G. BLAINE.

No. 132.

Mr. Blaine to Mr. Trescot.

No. 2.] DEPARTMENT OF STATE,
Washington, December 1, 1881.

SIR: While the circumstances under which the President has deemed it proper to charge you with a special mission to the republics of Chili, Peru, and Bolivia, render it necessary that very much must be confided to your own discretion, it is desirable that you should be placed in full possession of his views as to the general line of conduct which you will be expected to pursue.

For this purpose it is not necessary at present to go further back in the history of the unfortunate relations between Chili on the one hand and Peru and Bolivia on the other, than the time when the defeat of General Piérola, his abandonment of the capital and the coast and their occupation by the Chilian army seemed to have put an end to all responsible native government in Peru. Lima having been surrendered on the 19th January, 1881, Piérola driven across the mountains, the Chilian military occupation consolidated, and the Chilian Government refusing to recognize Piérola as representing the Government of Peru, it became absolutely necessary that some government should be established, if Peru was not to remain simply a military district of Chili.

On February 25, 1881, Mr. Christiancy, the United States minister at Lima, wrote this Department as follows:

> A movement has, therefore, been initiated among some of the leading citizens of Lima and Callao, *and encouraged by the Chilian authorities*, to establish a new government in opposition to that of Piérola [who is still at Tacna or Yareja].

From this date to April 13, 1881, Mr. Christiancy kept the Department informed of the probabilities of the establishment of the Calderon government, so called from the name of the eminent Peruvian statesman who had been chosen as President. On that date he wrote:

> In my own private opinion, however, if the provisional government had come up without any appearance of support from the Chilian authorities, it would have had many elements of popularity and would probably have succeeded in obtaining the acquiescence of the people. This new government realizes the importance of an early peace with Chili, the necessity of which must be recognized by every thoughtful man; while that of Piérola professes to intend to carry on the war; but it has no means for the purpose at present, and my own opinion is that any effort to do so will end in still greater calamities to Peru.

On May 23, the same minister, in a postscript to his dispatch of the 17th, says:

> Since writing the above it has become still more probable that the threat of "indefinite occupation" was intended only to drive the Peruvians into the support of the provisional government, as two days ago they allowed the government to send seventy-five soldiers to Tacna, Oroyo, &c., to control that part of the country, so as to allow the members of Congress to come to Lima; and it now begins to look as if Calderon might secure a quorum (two-thirds) of the Congress. If he does succeed, it will be some evidence that Peru acquiesces in that government. And if he gets the two-thirds of the members, I think I shall recognize the provisional government, or that of the Congress and the President they may elect, unless in the mean time I shall receive other instructions.

On the 9th of May, 1881, instructions had been sent to him from the Department, which crossed this dispatch, in which he was told:

> If the Calderon government is supported by the character and intelligence of Peru, and is really endeavoring to restore constitutional government with a view both to order within and negotiation with Chili for peace, you may recognize it as the existing provisional government, and render what aid you can by advice and good offices to that end.

Acting under these instructions, although with some expressed doubt as to the probable permanence of its existence, Mr. Christiancy, on the 26th of June, 1881, formally recognized the Calderon government. It is clear that this recognition was not an unfriendly intervention as far as the wishes and interests of Chili were concerned, for under date of May 7, 1881, two days before these instructions of the 9th were sent to Mr. Christiancy, Mr. Osborn, the United States minister to Chili, wrote from Santiago as follows:

In my 201, of date April 5, regarding the war in this section, I mentioned the fact that the minister of war, Mr. Vergara, who had been with the army at Lima, had been sent for, and was then on his way to Chili. Since his arrival the government has labored to reach a conclusion touching the course to be pursued with Peru, and to that end numerous and extended discussions among the ministers and prominent citizens of the republic, who had been invited to participate, have taken place. Three plans or propositions were discussed: First, that spoken of by me in my No. 201, involving the withdrawal of the army to Arica; second, the occupation of the entire Peruvian coast by the Chilian forces, and its government by Chilian authorities; and third, the strengthening of the government of Calderon, and the negotiation of a peace therewith. The propriety of entering into negotiations with Piérola was not even dignified with a consideration. After much labor the government reached the conclusion that the last proposition afforded the easiest way out of their complications, and it has been determined to send to Peru, in charge of the negotiations, Mr. Godoy. * * * The ministry has freely counseled with me regarding the difficulties of the situation, and in view of their previous determination to have nothing to do with Piérola, I cannot but applaud the result of their deliberations. To vacate the country now would be to turn it over to anarchy, and to attempt to occupy the entire coast would, in time, involve both countries in ruin. The most feasible way to peace is, in my opinion, the one resolved upon. In fact it is the only one which offers any reasonable hope of a solution of the difficulties during the present generation.

In giving the support of recognition to the Calderon government, therefore, so far was this government from doing what could be considered an unfriendly act to Chili, that it was, in fact, giving its aid to the very policy which Chili avowed, and which, in the opinion of competent judges, was the only method of reasonable solution.

And this conclusion of the government was strengthened and confirmed by the information which was transmitted to the Department by General Kilpatrick, the United States Minister to Chili. General Kilpatrick was appointed after the recognition of the Calderon government, and was furnished with instructions to which I have already referred.

In his dispatch No. 3, under date August 15, 1881, he says:

I have the honor to report that, so far as the assurance of public men can be relied upon, your instructions have been complied with; your ideas of final peace accepted, not only by the present administration at Santiago, but still better of Señor Santa Maria, the President elect, whose administration will have begun when you receive this note.

General Kilpatrick then proceeds to give a detailed account of a lengthy interview with the leading and most influential members of the Chilian Government, in which he quotes the following as the final assurances given to him by the Chilian secretary of state:

You may therefore say to your government that every effort would be given by Chili to strengthen the government of President Calderon, giving to it the most perfect freedom of action, considering the Chilian occupation. That no question of Chilian annexation would be touched until a constitutional government could be established in Peru, acknowledged and respected by the people, with full powers to enter into diplomatic negotiation for peace. That no territory would be exacted unless Chili failed to secure ample and just indemnification in other and satisfactory ways, as also ample security for the future; and that in no case would Chili exact territory save where Chilian enterprise and Chilian capital had developed the desert and where to-day nine-tenths of the people were Chilian.

But after this recognition, made in entire good faith to both parties, three things followed:

1. The presence of a United States minister at Lima accredited to the Calderon government, and the reception in Washington of a minister from that government, gave it, unquestionably, increased strength and confidence.

2. The adherents of Piérola, realizing the necessity of peace and the existence of a stable government to negotiate it, gradually abandoned the forlorn hope of continued resistance, and gave their adhesion to the Calderon government.

3. The Congress which assembled within the neutral zone set apart for that purpose by the Chilian authorities, and which was further allowed by the Chilian government to provide for the military impositions by the use of the national credit, and thus recognized as the representative of the Peruvian people, authorized President Calderon to negotiate a peace, but upon the condition that no territory should be ceded.

As soon as these facts indicated the possibility of a real and independent vitality in the constitution of the Calderon government the Chilian military authorities issued an order forbidding any exercise of its functions within the territory occupied by the Chilian army—that is, within the entire territory west of the mountains, including the capital and ports of Peru.

Unable to understand this sudden and, giving due regard to the professions of Chili, this unaccountable change of policy, this government instructed its minister at Lima to continue to recognize the Calderon government until more complete information would enable it to send further instructions. If our present information is correct, immediately upon the receipt of this communication they arrested President Calderon, and thus, as far as was in their power, extinguished his government. The President does not now insist upon the inference which this action would warrant. He hopes that there is some explanation which will relieve him from the painful impression that it was taken in resentful reply to the continued recognition of the Calderon government by the United States. If, unfortunately, he should be mistaken, and such a motive be avowed, your duty will be a brief one. You will say to the Chilian Government that the President considers such a proceeding as an intentional and unwarranted offense, and that you will communicate such an avowal to the Government of the United States, with the assurance that it will be regarded by the government as an act of such unfriendly import as to require the immediate suspension of all diplomatic intercourse. You will inform me immediately of the happening of such a contingency and instructions will be sent you.

But I do not anticipate such an occurrence. From the information before the Department, of which you are possessed, it is more probable that this course will be explained by an allegation that the conduct and language of the United States minister in Peru had encouraged the Calderon government to such resistance of the wishes of Chili as to render the negotiation of a satisfactory treaty of peace with the Calderon government impossible. Any explanation which relieves this action of the Chilian Government of the character of an intentional offense will be received by you to that extent, provided it does not require as a condition precedent the disavowal of Mr. Hurlbut. Whatever may be my opinion as to the discretion of all that may have been said or done by Mr. Hurlbut, it is impossible for me to recognize the right of the Chilian Government to take such action without submitting to the consideration of this government any cause of complaint which it was prepared to allege

against the proceedings of the representative of the United States. The Chilian Government was in possession of the instructions sent to that minister, as well as those to his colleague at Santiago. There was no pretense that the conduct of General Kilpatrick was anything but friendly. Chili was represented here by a minister who enjoyed the confidence of his government, and nothing can justify the assumption that the United States was acting a double part in its relations to the two countries. If the conduct of the United States minister seemed inconsistent with what Chili had every reason to know was the friendly intention of the United States, a courteous representation through the Chilian minister here would have enabled this government promptly to correct or confirm him. You are not therefore authorized to make to the Chilian Government any explanation of the conduct of General Hurlbut, if that government, not having afforded us the opportunity of accepting or disavowing his conduct, insists upon making its interpretation of his proceedings the justification of its recent action.

It is hoped, however, that you will be able, by communication, at once firm and temperate, to avoid these embarrassments. If you should fortunately reach the ground where frank, mutual, explanation can be made without the sacrifice of that respect which every government owes to itself, you will then be at liberty, conforming your explanation to the recent instruction to Mr. Hurlbut, with a copy of which you are furnished, to show to the Government of Chili how much both his words and acts have been misconceived.

It is difficult for me to say now how far an explanation would be satisfactory to the President which was not accompanied by the restoration or recognition of the Calderon government. The objects which he has at heart are, first, to prevent the misery, confusion, and bloodshed which the present relations between Chili and Peru seem only too certain to renew; and, second, to take care that in any friendly attempt to reach this desirable end the Government of the United States is treated with the respectful consideration to which its disinterested purpose, its legitimate influence, and its established position entitle it. The President feels in this matter neither irritation nor resentment. He regrets that Chili seems to have misconceived both the spirit and intention of the Government of the United States, and thinks her conduct has been inconsiderate. He will gladly learn that a calmer and wiser judgment directs her counsels, and asks in no exacting spirit the correction of what were perhaps natural misunderstandings. So he would be satisfied with the manifestation of a sincere purpose on the part of Chili to aid Peru, either in restoring the present provisional government or establishing in its place one which will be allowed the proper freedom of action necessary to restore internal order and to conduct a real negotiation to some substantial result.

Should the Chilian Government, while disclaiming any intention of offense, maintain its right to settle its difficulties with Peru without the friendly intervention of other powers, and refuse to allow the formation of any government in Peru which does not pledge its consent to the cession of Peruvian territory, it will be your duty, in language as strong as is consistent with the respect due an independent power, to express the disappointment and dissatisfaction felt by the United States at such a deplorable policy.

You will say that this government recognizes without reserve the right of Chili to adequate indemnity for the cost of the war, and a sufficient guarantee that it will not again be subjected to hostile demonstration from Peru; and further, that if Peru is unable or unwilling to furnish

such indemnity, the right of conquest has put it in the power of Chili to supply them, and the reasonable exercise of that right, however much its necessity may be regretted, is not ground of legitimate complaint on the part of other powers. But this government feels that the exercise of the right of absolute conquest is dangerous to the best interests of all the republics of this continent; that from it are certain to spring other wars and political disturbances; and that it imposes, even upon the conqueror, burdens which are scarcely compensated by the apparent increase of strength which it gives. This government also holds that between two independent nations, hostilities do not, from the mere existence of war, confer the right of conquest until the failure to furnish the indemnity and guarantee which can be rightfully demanded.

The United States maintains, therefore, that Peru has the right to demand that an opportunity should be allowed her to find such indemnity and guarantee. Nor can this government admit that a cession of territory can be properly exacted far exceeding in value the amplest estimate of a reasonable indemnity.

Already, by force of its occupation, the Chilian Government has collected great sums from Peru; and it has been openly and officially asserted in the Chilian Congress that these military impositions have furnished a surplus beyond the cost of maintaining its armies in that occupation. The annexation of Tarapacá, which, under proper administration, would produce annually a sum sufficient to pay a large indemnity, seems to us to be not consistent with the execution of justice.

The practical prohibition of the formation of a stable government in Peru, and the absolute appropriation of its most valuable territory, is simply the extinction of a State which has formed part of the system of republics on this continent, honorable in the traditions and illustrations of its past history, and rich in the resources for future progress. The United States, with which Peru has for many years maintained the most cordial relations, has the right to feel and express a deep interest in its distressed condition; and while with equal friendliness to Chili, we will not interpose to deprive her of the fair advantages of military success, nor put any obstacle to the attainment of future security, we cannot regard with unconcern the destruction of Peruvian nationality. If our good offices are rejected, and this policy of the absorption of an independent state be persisted in, this government will consider itself discharged from any further obligation to be influenced in its action by the position which Chili has assumed, and will hold itself free to appeal to the other republics of this continent to join it in an effort to avert consequences which cannot be confined to Chili and Peru, but which threaten with extremest danger the political institutions, the peaceful progress, and the liberal civilization of all America.

If, however, none of these embarrassing obstacles supervene, and Chili receives in a friendly spirit the representations of the United States, it will be your purpose—

First. To concert such measures as will enable Peru to establish a regular government, and initiate negotiation.

Second. To induce Chili to consent to such negotiation without cession of territory as a condition precedent.

Third. To impress upon Chili that in such negotiation she ought to allow Peru a fair opportunity to provide for a reasonable indemnity; and, in this connection, to let it be understood that the United States would consider the imposition of an extravagant indemnity, so as to make the cession of territory necessary in satisfaction, as more than is justified by the actual cost of the war, and as a solution threatening renewed difficulty between the two countries.

As it is probable that some time will elapse before the completion of all the arrangements necessary for a final negotiation, this government would suggest a temporary convention, which, recognizing the spirit of our present friendly representation, would bring Peru and Chili into amicable conference and provide for a meeting of plenipotentiaries to negotiate a permanent treaty of peace.

If negotiation be assured, the ability of Peru to furnish the indemnity will be a matter of direct interest. Upon this subject we have no information upon which definite instructions can now be based. While you will carefully abstain from any interposition in this connection, you will examine and report to this Department promptly any plans which may be suggested.

You will not indicate any wish that the Government of the United States should act as umpire in the adjudications between the contending powers. Should an invitation to that effect be extended, you will communicate by telegraph for instructions. The single and simple desire of this government is to see a just and honorable peace at the earliest day practicable, and if any other American government can more effectively aid in producing this auspicious result, the United States will cordially sustain it and lend such co-operation as the circumstances may demand.

I am, &c.,

JAMES G. BLAINE.

No. 133.

Mr. Kilpatrick to Mr. Blaine.

No. 9.] LEGATION OF THE UNITED STATES,
Santiago, Chili, December 2, 1881. (Received January 4, 1882.)

SIR: Had I been able, I would, at the time the Government of Chili determined to arrest and suspend the functions of the government of Calderon, have given you the reasons as they are placed in my possession by the Secretary of State, and everything done to preserve good faith as to promises made me here on the part of the government. But for four months I have been very ill; for the last two months at the point of death, unable even to write my own name. I am now just able to sit up, and for your information and on behalf of the honor and good faith of Chili I make this brief statement.

Chili guaranteed through me to demand no annexation of territory from Peru as an absolute condition of peace. This was done at your request. She agreed to demand no territory if security for future peace and safe and satisfactory indemnification could be secured otherwise, and in no case to annex territory save where a large majority of the actual residents were citizens of Chili and foreigners. She agreed to build up and strengthen the government of Calderon if possible, and if possible to make it respectable, constitutional, stable, a government with which she could treat for peace. These pledges were made in good faith and would have been fulfilled; but our new minister at Lima arrived. Whether true or false, he has the reputation of having impressed the Government of Calderon and the people of Peru with the idea that the Government of the United States would not permit annexation of Peruvian territory to Chili under any circumstances. This was published and talked of. He, himself, emphasized this in his letter to the

government of Piérola. He sent messages to the Argentine Republic urging them to send a minister at once to check the power of Chili. The whole conduct of Calderon, befriended and sustained by Chili, changed; and he is openly accused now by the Government of Chili of having without authority flooded the country with his own paper currency, of having gathered and collected arms, and of having organized secret forces, and finally of having placed himself in communication with the belligerent forces of Piérola, Montero, and Sola, and the Government of Bolivia, still in open arms against Chili, now threatening her outposts, and cutting, from time to time, her lines of communication. And so far had he succeeded that the department of Arequipa had proclaimed for him, and a promise made on the part of our own minister at Lima, to said belligerents, that the Government of the United States would forcibly resist the disintegration of Peru and had determined to maintain and sustain the government of President Calderon.

These are the facts as given to me by the administration here to justify them in the course they have pursued. The arrival of your messenger with special and unknown instructions is beginning to create an excitement here and a resentment against the United States that will not be easily calmed. Chili has looked upon our country as its greatest friend; has been willing to make many sacrifices to comply with your requests; but now, in view of the course pursued at Lima, the threatening claims of some great Peruvian company professing to be backed by the Department at Washington, of which I send you a copy marked A, is creating an alarm and excitement here such as has never existed in Chili. I should like to give you details, but I am unable from extreme weakness to dictate another sentence.

Yours truly,

J. KILPATRICK.

[Inclosure marked A in No. 9.]

Mr. Shipherd to Mr. Kilpatrick.

THE PERUVIAN COMPANY,
10 *Spruce Street, New York, October* 19, 1881.

SIR: I have the honor to inclose herewith official printed copies of communications on behalf of this company to the minister of Peru and Chili at Washington.

Duplicates of these inclosures were filed in the Department of State on the 11th instant, and the originals were personally delivered by * * * our counsel at Washington, on the 13th.

I place the copies in your hands, of course, without comment, and only for your early information. I have reason to suppose that you will receive instructions concerning the interests involved at an early day.

It may be proper to add that this company is now fully organized, with a capital of $250,000,000; that it includes the best legal, diplomatic, and money resources of the United States; that the title upon which it relies is approved unanimously by a large staff of eminent counsel, and that it has unqualified assurance of ample governmental backing. It has called for the property, and you may safely rely that it has at command every means of enforcing that call. I send you a recent copy of the Times, which does but reflect the average public sentiment here. All the papers (preliminary) in the case I sent to your address in this city before you sailed.

We are prepared to treat Chili fairly, even liberally, but only on condition that she recognizes, our superior rights. If she raises an issue she will simply get nothing. Right must rule.

Your obedient servant,

JACOB R. SHIPHERD.

No. 134.

Mr. Blaine to Mr. Trescot.

No. 3.] DEPARTMENT OF STATE,
Washington, December 2, 1881.

SIR: It is not impossible that before the close of the special mission, instructions for which have been already furnished you, it may be deemed advisable that at its close you should return to the United States by way of the Argentine Confederation and Brazil.

Positive instructions may be sent you to this effect before your mission closes, but atpresent my purpose is to advise you of such possible contingency, and to add that if at the close of the special mission you should decide that a return home by the way of Buenos Ayres and Rio de Janeiro was advisable, you are hereby authorized without waiting for such instructions to return home by that way.

Should you do so, you will in your communications with the representatives of the Governments of Brazil and the Argentine Confederation impress upon them the advantages which would result from a full and frank conference between all the republics of North and South America. By the time you can reach these points the opinions of this government on this subject will have been formally submitted to them, and you will have the opportunity to enforce these views and to direct their attention to the importance of the proposed congress.

If you will telegraph the probable time of your arrival at Buenos Ayres, a vessel of the United States will meet you at that place.

I am, sir, &c.,

JAMES G. BLAINE.

No. 135.

Mr. Martinez to Mr. Blaine.

LEGATION OF CHILI,
Washington, December 5, 1881. (Received Dec. 5.)

SIR: I intend to go on with the agreeable task of letting you know which are the last authentic news from the Pacific coast, as they are generally made public in a way calculated to mislead.

Your excellency has already been made acquainted with the decree issued by the Chilian general, Patricio Lynch, prohibiting Dr. Garcia Calderon from exercising any act of jurisdiction within the territory occupied by the Chilian forces, but by no means out of that territory.

Indeed there was a political and military misdeed in the fact of the commander of an invading army allowing the so-called provisional President, whose incapacity and unwillingness to make the peace were well known, to continue as a government in face of his foe. You will please to allow me to state again to your excellency that Chili never recognized Garcia Calderon as the provisional President, and that had she made such a recognition it would have been outlawed when that gentleman made up his mind to reject the terms of peace my government proposed to him.

In spite of the above-named decree, Garcia Calderon went on assuming to himself the functions of President of the government, but being his attitude apparently obnoxious, the Chilian general did not deem it

proper to take any measure against him, and I warn your excellency that the ground for the General Lynch to act as I have just stated was the recognition of Garcia Calderon as provisional President, made by the United States purposely to lead way to an arrangement of peace.

But it happened Mr. Galvez to address in those days a circular to the diplomatic and consular corps in paper bearing the official seal, dated in Lima, and issued in such a condition as every public document is intended to have, and stating that it was expected to make peace with no dissatisfaction for the national dignity; that is to say, with no territorial compensation. Mr. Galvez was Mr. Garcia Calderon's secretary of state.

Being this an open and daring violation of the Chilian commander's decree, he was compelled to take such a measure as to put in prison the so-called provisional President and his secretary of state.

The measure was executed most quietly. Mr. Garcia Calderon intimates he wanted to hold a private interview with General Lynch, so he walked along about fourteen blocks and not the slightest sign of resistance was noticeable in the crowd.

The prisoners were taken, surrounded with the best treatment, to the iron-clad Almiranti Cockrane, and in Pisco they were transferred to the frigate Chili.

Meanwhile the Peruvian general, Montero, being out of the reach of the Chilian forces, has accepted the vice-presidency of the republic, and notwithstanding being the offering of the vice-presidency and its acceptation irregular acts, the Chilians, keeping faith to their resolution of not interfering with the internal politics in Peru, had opposed no resistance whatever to Montero.

A Peruvian committee started from Lima to meet Montero, and contrive he should go as far as Chimbote, so that he may try to capitulate some terms of peace which my government might agree to.

This incident shows the possibility of the conflict to be arranged as far as the Peruvians will not content themselves with the deceitful expectations of a foreign interference.

The ex-dictator, Piérola remains in Ayacucho with an army 1,700 strong. His general secretary, Garcia ì Garcia, issued under the date of the 23d October a circular addressed to the chiefs and governors in the republic, bitterly criticising Mr. Hurlbut's letter, which your excellency has already been acquainted with.

The Chieftain Caceres is, with an army stronger than that of Piérola, not very far from Lima, and keeps a reserved attitude, he does not declare himself in anybody's favor, but apparently he is obeying his former chief, Piéroła.

Such is without any comment the condition of affairs in Peru.

It would be not unsuitable for your excellency to become acquainted with a somewhat painful incident. Garcia Calderon intended to send to Arequipa one of his brothers, as a commissioner, and asked permission for him to be allowed to land at Mollendo which is now a blockaded port. He was not permitted to do it. Then the said commissioner got by stealth a passport from the Chilian colonel, Valdivieso, telling him he purposed to go from Lima to a near place. Having the passport been given by Valdivieso, Garcia Calderon's brother, wrote down on it that it was good to go to Mollendo. This was not enough for his purposes, being it necessary to get permission from the general headquarters to reach a blockaded port, he did not ask for it; but the United States man-of-war Alaska was about to sail off to Mollendo, and everybody asserts on her board went the commissioner of Garcia Calderon, taking with him correspondence and money to the rebels in Arequipa. Though

I cannot state the fact officially, it appears to me to bear the characteristics of the truth.

As for Bolivia is concerned, all that is now known is that General Campero has driven as far as four or five days' march from Tarapacá, having under his command an army about 4,500 strong.

The Chilian authorities are now under notice not to allow themselves to be surprised.

It is to be derived from the precedents informations that the enemies of Chili are again armed and unwilling to make peace, repeatedly proposed to long ago. They consider a term as indecorous, notwithstanding it has been agreed with by many nations superior to them, and Chili is not to be responsible for such a denying, nor she can be ascribed to the delaying of a *status quo*, the lasting of which is not her fault.

Accept, sir, &c.,

M. MARTINEZ.

No. 136.

Mr. Foote to Mr. Blaine.

No. 83.] CONSULATE OF THE UNITED STATES,
Valparaiso, December 9, 1881. (Received Jan. 12, 1882.)

SIR: I learn that some arrangement has just been entered into by the Chilian Government, but not yet made public, securing to the holders of Peruvian bonds one-half the proceeds of the guano now in the possession of Chili. This, as I am informed, has been formally approved by the representatives of England, France, and Germany; but I do not understand that any guarantee is attached to it.

If I had the power I should at once see the minister of foreign relations and demand information.

On Saturday last I telegraphed to you the information of the death of General Kilpatrick, but have had no reply.

Montero's letter openly thanking General Hurlbut for the promised intervention of the United States has created an intense excitement.

It seems to me that with less haste more progress might have been made. This country need not have been agitated and alarmed by this imprudent zeal, and our influence, which has for years been paramount here, need not have been destroyed.

The senate and house of deputies have been in secret session for days in the discussion of these questions. The leading senator of the party opposed to the government said to me:

> We are a unit. The United States may crush a sister republic if she can afford to do so; but she shall not intimidate and dictate to us; we will die hard, and we will make use of every resource which God and nature have given us.

And, knowing as I do the temper of the people, I believe this to be the universal sentiment.

I may say, incidentally, that confidence in the good faith of the United States has been shaken by the reports and "official communications" of the so-called Peruvian company which have been, imprudently, it seems to me, shown to the minister of foreign relations.

I have written what I have from a sense of duty, and I believe that you will appreciate the motive, informal though it may be.

I am, sir, &c.,

LUCIUS H. FOOTE,
United States Consul.

No. 137.

Mr. Blaine to Mr. Walker Blaine.

DEPARTMENT OF STATE,
Washington, December 9, 1881.

SIR: On your arrival at Santiago you will take possession of the papers and property of the legation of the United States, and in addition to the duties already confided to you, you will act as chargé d'affaires until the arrival of a newly-appointed minister, or until you shall be relieved by orders from this Department.

I am, sir, &c.,

JAMES G. BLAINE.

No. 138.

Mr. Blaine to Mr. Trescot.

No. 4.] DEPARTMENT OF STATE,
Washington, December 16, 1881.

SIR: Some erroneous statements, now being circulated in a portion of the American press, may reach Santiago and create an injurious impression in the minds of the Chilian Government; and I write you this instruction from excess of caution, in order that no enduring harm may result.

The erroneous statements in the press to which I especially refer are those which represent this government as in some way giving encouragement to the Cochet claim against Peru, which, being acknowledged, should enable the United States to pay an indemnity to Chili and then practically own Peru, either directly or through an association of American citizens.

This is the extreme statement, and it has many shadings and variations.

You will take prompt and special care to anticipate any evil that might result from these rumors being circulated by a disavowal and denial of them in whole and in any part.

The only claim for which this Department has instructed our minister at Lima to use his good offices is that known as the Landreau claim, and this to the extent only of insisting that Mr. Landreau should be permitted to have an authoritative investigation of his claim by the Peruvian Government, and that if found to be good and valid it should be provided for in any treaty with Chili which might affect the property to which it attaches.

The law officer of the Department of State, as long ago as 1874, made an exhaustive report on this claim, and recommended that this government should interpose its good offices in behalf thereof.

On the 20th of July, 1874, my predecessor, Mr. Secretary Fish, instructed our minister at Lima to use his good offices with the Peruvian authorities in behalf of Mr. John C. Landreau, "with a view of securing from that government a speedy investigation and adjustment of his claim."

On the 20th day of February, 1880, the House of Representatives of the last Congress unanimously passed the following resolution:

That the petition of John C. Landreau, the report made thereon by the Committee on Foreign Affairs, and the accompanying papers be transmitted to the Executive Department, with the request that the President take such steps as, in his opinion, may

be proper, and in accordance with international law to secure to the said John C. Landreau a final settlement and adjustment of his claim against the Government of Peru; and that, if in his opinion it is proper to do so, the President invite the Government of France to co-operate with the United States in this behalf.

I inclose herewith, for your further information, copies of my instructions to Mr. Hurlbut on this subject. It gives me pleasure to say in this connection, that Mr. Hurlbut's action in regard to both the Landreau and Cochet claims has been marked by entire prudence and discretion.

While disabusing the mind of the Chilian Government of any impression that the United States meditates intervention on behalf of private claims, beyond the use of its good offices, you will say that justice seems to demand that Landreau should have an opportunity to be heard in support of his claim before a tribunal in Peru competent to decide it, and that, if decided in his favor, a treaty of peace which might cede territory to Chili should not be made in disregard of any rights which Mr. Landreau may be found, after an impartial judicial investigation, to possess.

Further than this the Department of State has not felt authorized to go, and I must express the hope that the governments of Peru and Chili, to both of which you are accredited, will recognize the moderation and justice of the request made by this government.

I am, &c.,

JAMES G. BLAINE.

No. 139.

Mr. Martinez to Mr. Frelinghuysen.

LEGATION OF CHILI,
Washington, December 28, 1881. (Received Dec. 31.)

SIR: The last steamer from Aspinwall brought the following authentic news:

Señor Ligardo Montero issued a proclamation at Cajamarca, on the 15th of November, stating that he assumes the Presidency of Peru and enforcing the continuance of the state of active war against Chili. According to that proclamation, the capital of the republic was to be the inland town of Cajamarca.

Meanwhile Señor Andres A. Cáseres, the chieftain of the guerilla bands stationed at Chosica, was proclaimed President by his troops. He also issued a proclamation, under the date of the 24th of November, in which he acknowledges the country to be in a state of anarchy; resigns, for the present, the Presidency, till the people may freely elect a President; and retains, meanwhile, the political and military government of the central provinces.

Señor Cáseres says also that the state of war is vigorously maintained, and that he hopes the Peruvians will at last vanquish their foe. Señor Cáseres does not declare whom he judges to be chief of the nation, but he confines himself to disowning the authority of Piérola.

As to the rest, the old personal political parties of the country are entirely disorganized, disrupted, and in a state of anarchy. I think it to be highly important for your excellency to be acquainted with these facts that may lead you to fully appreciate the condition of affairs in South America.

Please accept, sir, &c.,

M. MARTINEZ.

No. 140.

Mr. Frelinghuysen to Mr. Trescot.

WASHINGTON, *January* 3, 1882.

On this date Secretary Frelinghuysen instructed Mr. Trescot by telegraph to exert his influence pacifically, and to avoid all issues which might lead to his withdrawing from his post in Chili.

No. 141.

Mr. Frelinghuysen to Mr. Trescot.

WASHINGTON, *January* 4, 1882.

Secretary Frelinghuysen informed Mr. Trescot by telegraph on this date that it was the wish of the President that our friendly offices should be extended impartially to both republics; that a pacific influence should be exerted, and every issue which might lead to offense, avoided; that questions growing out of the suppression of the Calderon government could be attended to at Washington; and that it was preferable that he should not visit Buenos Ayres on his way home.

No. 142.

Mr. Frelinghuysen to Mr. Martinez.

DEPARTMENT OF STATE,
Washington, January 7, 1882.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, giving me your views as to the present condition of Peru, derived from your latest intelligence. I need not inform you that it has been read with the most lively interest.

I was much gratified yesterday with the assurances which you gave me, in our personal interview, that your government, in the arrest and imprisonment of Calderon, was in no way instigated by an unfriendly feeling towards the United States. If you feel yourself at liberty to renew that assurance in writing I shall be still further and greatly gratified by your doing so. Such a communication, written in the friendly spirit which marked your verbal communications, will tend to promote that friendly feeling which is so desirable among American republics.

Accept, sir, &c.,

FRED'K T. FRELINGHUYSEN.

No. 143.

Mr. Frelinghuysen to Mr. Trescot.

No. 6.] DEPARTMENT OF STATE,
Washington, January 9, 1882.

SIR: Since you received your instructions on your departure as special envoy to Chili, Peru, and Bolivia, I have sent you by cable two instruc-

tions. As I have not heard of your having received them, and to make their purport more intelligible than the brevity of a telegram would permit, I send this, stating the proper construction of your original instructions, somewhat modifying them, and indicating how they are to be executed.

The President wishes in no manner to dictate or make any authoritative utterance to either Peru or Chili as to the merits of the controversy existing between those republics, as to what indemnity should be asked or given, as to a change of boundaries, or as to the personnel of the Government of Peru. The President recognizes Peru and Chili to be independent republics, to which he has no right or inclination to dictate.

Were the United States to assume an attitude of dictation towards the South American republics, even for the purpose of preventing war, the greatest of evils, or to preserve the autonomy of nations, it must be prepared by army and navy to enforce its mandate, and to this end tax our people for the exclusive benefit of foreign nations.

The President's policy with the South American republics and other foreign nations is that expressed in the immortal address of Washington, with which you are entirely familiar. What the President does seek to do, is to extend the kindly offices of the United States impartially to both Peru and Chili, whose hostile attitude to each other he seriously laments; and he considers himself fortunate in having one so competent as yourself to bring the powers of reason and persuasion to bear in seeking the termination of the unhappy controversy; and you will consider as revoked that portion of your original instruction which directs you on the contingency therein stated as follows:

> You will say to the Chilian Government that the President considers such a proceeding as an intentional and unwarranted offense, and that you will communicate such an avowal to the Government of the United States with the assurance that it will be regarded by the government as an act of such unfriendly import as to require the immediate suspension of all diplomatic intercourse. You will inform me immediately of the happening of such a contingency, and instructions will be sent to you.

Believing that a prolific cause of contention between nations is an irritability which is too readily offended, the President prefers that he shall himself determine after report has been made to him whether there is or is not cause for offense.

It is also the President's wish that you do not visit (although indicated in your original instruction you should do so), as the envoy of this government, the Atlantic republics after leaving Chili.

The United States is at peace with all the nations of the earth, and the President wishes hereafter to determine whether it will conduce to that general peace, which he would cherish and promote, for this government to enter into negotiations and consultation for the promotion of peace with selected friendly nationalities without extending a like confidence to other peoples with whom the United States is on equally friendly terms.

If such partial confidence would create jealousy and ill-will, peace, the object sought by such consultation, would not be promoted.

The principles controlling the relations of the republics of this hemisphere with each other and with other nationalities may, on investigation, be found to be so well established that little would be gained at this time by reopening a subject which is not novel. The President at all events prefers time for deliberation.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 144.

Mr. Martinez to Mr. Frelinghuysen.

LEGATION OF CHILI,
Washington, January 10, 1882. (Received January 11.)

SIR: I have the honor to inform your excellency of the latest news received by this legation through the Pacific mail.

The fact that Rear-Admiral Montero has deserted from the ranks of his former chief, the dictator Piérola, is fully confirmed. Montero has accepted the vice presidency of Peru, which was offered to him by several gentlemen of Lima, called *notables*. He needed no other investment to call himself the "constitutional president."

As this expression has been lately used in a very extraordinary sense, so that many of the journals of the United States have unconsciously made use of it, I deem it necessary to acquaint your excellency with its meaning.

The last constitutional president of Peru, that is to say, elected by the people according to the constitution, was General Mariano Ygnacio Prado, whose term came to an end long ago. Those who have succeeded him in exercising the supreme power have been as constitutional as the emperors of the lower empire who had themselves proclaimed by their troops. They are called constitutional Presidents, because, after having irregularly assumed the supreme power, they enforce one of the many constitutions which Peru has given to herself since its independence.

As your excellency can easily perceive, that is an abuse of the term which tends to pervert every idea of regular government.

Notwithstanding this, Mr. Hurlbut gave to the provisional government of Garcia Calderon the name of constitutional, and revolutionary to that of Piérola.

These pernicious errors ought to give way to a correct and suitable knowledge of persons and things.

Montero issued at Cajamarca, a town situated in the northern mountains of Peru, a circular under the date of 28th of October, 1881, addressed to the governors, stating that he was armed against the invaders, and that he hoped to effect a happy solution of the pending questions by virtue of the effective mediation of the United States Government.

The same chief circulated extensively the strangest document to which it is possible to refer in the history of diplomacy. This was a letter or manifest addressed by General Hurlbut to the so-called *notables* of Lima, which your excellency is acquainted with, but a copy of which is herewith inclosed.

The same Mr. Montero wrote to his former chief under date of November 22, 1881, a letter explaining to him the grounds of his desertion,

Meanwhile, Mr. Nicholas Piérola gave up his nominal position, by issuing a decree and a proclamation under the date of November 28, 1881.

According to the latest news, the troops under Montero do not amount to more than 1,500 or 1,600 men, poorly armed and equipped.

As your excellency can see, that is but a sad comedy.

The so-called provisional president, Señor Francisco Garcia Calderon, is at present in the town of Quillota, in the province of Valparaiso, Chili.

Caceres, the chief of the *Monteneros*, is in Chosica, a short distance

from Lima He has not declared himself in any way, and we have every reason to believe that he will act on his own account and at his own risk, and will presently recognize the proclamation made to him by his own army, which does not exceed three thousand or three thousand five hundred men. The existence of this leader is virtually dependent on the will of the Chilian general-in-chief, who can annihilate him when ever he chooses to attack him.

As regards Mr. Piérola, he is at present in Lima, the report of his having sailed for Europe having proved incorrect. He is living tranquilly, as a private citizen, under the security afforded by the protection of the Chilian army of occupation.

It is clearly evident that whenever the Chilian army shall abandon the Peruvian capital anarchy will begin its disastrous work, and for this this the Peruvians alone are responsible.

My government had an army in readiness to proceed to Arequipa, in order to clear the situation, and thus facilitate the securing of peace; but it has lately desisted from this purpose because it felt that the purely local results to be secured would not correspond to the sacrifices which a new campaign involved.

An expedition, however, is ready to march to Janja, and will put an end to its occupation by Cáceres. This will only leave Rear-Admiral Montero in the north of Peru. He is without prestige, without arms, without resources, and with no other territory over which to exercise his authority than that on which he treads.

If the sensible people still remaining in Peru do not see that the time has arrived to accept the conditions which Chili, with perfect justice, demands, they will bring upon their country all the consequences of that obstinate and incomprehensible resistance. I do not believe that there is in the history of the world, an instance of a country which, being so impotent to defend itself, showed itself so blindly stubborn in enduring the laws of war. Everything which in any way tends to strengthen that resistance is, and will be, contrary to the principles which govern human affairs.

General Lynch, seeing that all the branches of municipal revenues were in complete disorder and that their management was irregular, ordered the appointment of a supervisor, a measure which degraded the municipals, who, in consequence, threatened to resign their posts. The journals have indeed published the fact that the alcalde Canevaro, and other municipals, had resigned, but we are not aware that such is the case.

The Bolivian general, Campero, is at the head of a small army, and threatens to invade Tarapacá, but I assure your excellency, with an assurance based upon many and incontestable reasons, that that threat cannot possibly be realized. There is not the remotest fear that a drop of blood will be shed on that side.

With sentiments of the highest consideration,

M. MARTINEZ.

[Translation of inclosure with Mr. Martinez's note of January 10, 1882.]

The following communication has been addressed by the North American minister to the notables of Lima:

GENTLEMEN: At your request I make the following declarations:

1. The United States of America are strongly in favor of the cessation of hostilities between Chili and Peru, and the speedy restoration of peace.

2. They are decidedly opposed to any dismemberment of the territory of Peru, except with the free and full consent of this nation.

3. They are of the opinion that Chili, as the result of the war, has acquired the right of indemnification for the expenses of the war, and that Peru cannot refuse its payment.

The Government of Chili knows that these are the views of the United States, but the divisions which exist in Peru paralyze the good effects (offices?) of the United States and afford a pretext to Chili for eluding action by the latter in conformity with our desires, and for prolonging the state of war and the military occupation of Peru. Chili says: "We also desire peace, but there is here no one competent to treat to that end." This statement is unfortunately true. For such a condition of affairs, the only remedy is to be found in Peru itself. Union under whomsoever may be chosen will dispel the pretext of Chili, and will give to the United States an advantage which they need, and of which they will be able to take advantage. Nothing else, in my judgment, will save Peru from indefinite military occupation by Chili. Peru must herself effect her own salvation through the sacrifice of personal conditions (ambitions?) on the altar of the country's redemption.

I am, &c.,

S. A. HURLBUT.

A copy.
The secretary of legation.

F. PINTO.

No. 145.

Mr. Martinez to Mr. Frelinghuysen.

[Translation.]

LEGATION OF CHILI IN THE UNITED STATES,
Washington, January 10, 1882. (Received January 10.)

SIR: I have had the honor to receive your excellency's note of the 7th instant, whereby you were pleased to request me to furnish to you, in writing, the explanations which I had the honor to give you on the occasion of our conference which was held on the 5th instant, in reference to the circumstances which preceded or accompanied the arrest of Don Francisco Garcia Calderon, at Lima, and the bearing which that act might have upon the very friendly and cordial relations which happily exist between your excellency's government and mine.

I thank your excellency for the opportunity which you have thus afforded me to contribute, by means of a plain and unvarnished statement, towards drawing still closer the bonds of sincere friendship which unite our respective countries.

I have already taken occasion, verbally, to furnish the explanations which I now have the pleasure to put in writing, three times to Mr. Blaine, your excellency's honorable predecessor, and once to your excellency. Both Mr. Blaine and your excellency were fully satisfied, and I did not think it necessary to reduce said explanations to writing, because it did not appear to me that the Secretaries of State had attached serious importance to a hypothesis which, in my humble opinion, had no foundation worthy of consideration. Nevertheless, in the memorandum which I had the honor to address to the Department of State on the 21st of November last, I explained all the circumstances relative to the ephemeral government of Garcia Calderon, and stated the incontestable reasons that had existed for its abolition, which reasons are altogether unconnected with the fact of the recognition of that government by that of your excellency.

I must, moreover, remind your excellency that during our interview I called your attention to a very significant incident, which was that a fortnight before the arrest of Garcia Calderon at Lima, I read to the

Hon. Mr. Blaine, in the presence of Mr. Hitt, his First Assistant Secretary, a letter addressed to me by Rear-Admiral Lynch, in which the latter stated that if Mr. Garcia Calderon did not yield obedience to the order issued by him (Lynch), forbidding him to perform jurisdictional acts within the lines of the Chilian occupation, he should be obliged to put him under arrest. Admiral Lynch could not know when or how Mr. Garcia Calderon would disobey that order, and when I communicated the contents of the aforesaid note to Mr. Blaine (which I did as an evidence of the most perfect frankness and of the fullest confidence in the sincerity of the friendship of the United States for Chili), I considered the event in question as being a future and contingent one which would probably never come to pass.

After the repeated and terrible disasters which Peru had suffered, it seemed that none but a man of very high intellectual and moral qualities could unite the scattered elements of order existing in the country, in order to treat for peace. Peru has always had military governments, which are better respected in countries in which public order stands on no solid foundation; and when the attempt was made to establish a civil government there, it was found impossible to advance beyond the initiatory steps.

Chili has never desired to interfere in the domestic politics of her enemy; she has, nevertheless, not failed to study with the deepest interest the character and qualities of the men who have taken, or who might be called to take, a prominent part in public affairs, and who seemed capable of rising to the height which the situation demanded, of holding the reins of government with a firm hand, and of inducing their fellow citizens to take the only course reserved for them by the laws of war. It was natural, too, that sensible men in Peru should think of seeking and finding the man whom the situation demanded, in order that they might place the destinies of their country in his hands.

Mr. Garcia Calderon was mentioned, although it was said for him that his character lacked most of the qualities which the circumstances required; that he was not fit to govern, that he was deficient in courage, and that he had no following upon which he could really rely. It was, however, added that he was unstained by peculation or extortion; that he had the reputation of being an excellent lawyer, and that his elevation to power would meet with no serious opposition.

My government had no reason to express an opinion with regard to the choice of the person who was to be placed at the head of affairs in Peru. It appeared to it sufficient that Mr. Garcia Calderon enjoyed a good reputation for honesty, and it decided to lend him a certain amount of co-operation and support, in order to furnish him the means and the opportunity to establish his authority.

The Chilian plenipotentiaries at Lima informed the future President of Peru what were the conditions of peace, and he accepted them as relatively good, and promised to labor with a view to making them the basis of a treaty.

Chili did not recognize, nor was she willing solemnly to recognize, Garcia Calderon's government for many reasons. When he asked that his government might be formally recognized, so that he might be enabled to gain some ascendancy in public opinion, this was refused, on the ground that his government did not yet possess any condition of solidity, respectability, or independence.

In fact, the manner in which that provisional President rose to power could not have been more irregular and anomalous than it was, and the

position in which he was placed, as regarded his own country and the army of occupation, was still more extraordinary and exceptional. He exercised no jurisdiction save within the limits of the territory which was under the control of the Chilian authorities, and he was under the wing and the moral and material protection of the army of occupation. He might at any time have been arrested by any police officer.

Your excellency knows that a government of that kind could not be recognized by that of Chili, which needed, in order to be able to treat, to have a respectable and respected government to treat with, and one that was able really to pledge the faith of its nation.

Your excellency's government, undoubtedly, had more liberty of action than did mine, because it did not need to enter into any ulterior negotiations with the Peruvian Government, and was consequently able to act with greater freedom in contributing to give Garcia Calderon the moral prestige and authority of which he stood in need.

Under such auspices, Garcia Calderon began to act in violation of all his previous promises, and was guilty of a series of acts subversive of the legitimate rights and interests of Chili, so that he rendered himself absolutely unworthy of any toleration or indulgence on the part of my government.

In the memorandum of November 21, to which I refer, I mentioned four or five of the principal acts which, with evident reason, caused that gentleman to lose the favor of the Chilian Government. In order to avoid repetitions, which would make this communication too long, I will simply refer to what I said in that paper, which I had the honor to transmit to your excellency immediately after your elevation to the high position which you now occupy.

Mr. Garcia Calderon having been guilty of these offenses, and having openly declared that he would not treat on the basis proposed by Chili, the doom of his government was irrevocably sealed.

In the steps subsequently taken by the Government of Chili, that government paid no attention to the proceedings of General Hurlbut, upon which the provisional president of Peru said that he based his reactionary conduct, but acted exclusively in accordance with its own rights.

The fact is that my government never believed that General Hurlbut was faithfully interpreting the lofty, considerate, and friendly policy of the United States Government.

The first step taken by General Lynch (who had been duly authorized to do so) was to deprive Garcia Calderon of the arms which, trusting to his honor, he had lent him. Subsequently, when that gentleman's attitude became more dangerous, he was dispossessed of the bureaus which he had organized and was peremptorily ordered to perform no governmental or jurisdictional act within the lines of the Chilian occupation. Still later, when he intentionally violated this order, he was arrested and sent to Chili, but was treated with every courtesy and attention.

The American General Scott acted, under similar circumstances, in the same manner in Mexico.

Even if the provisional government had been recognized by all friendly powers, Chili would have had to act as she did, not only for the maintenance of her rights, but from a sense of her own dignity and self-respect. And even if Chili had recognized that government, that circumstance would not have rendered it inviolable, and she would still have been obliged to act precisely as she did.

Consequently I can and do assure your excellency, in the most formal and solemn manner, that my government had not the most remote in-

tention or the slightest purpose to impair, in any way, the state of friendship and cordiality which previously to those events, during the same and subsequently, has existed, and which it has always desired should exist, between it and the Government of the United States.

I likewise had the honor to remark to your excellency, in our interview of the 5th instant, that certain financial schemes had thrown difficulties in the way of the conclusion of peace with Peru, and that while those schemes remained on the carpet it would be difficult to reach the desired solution. I may now add that the parties interested in those operations are endeavoring, both through the public press and such other means as they find available, to predispose the United States against Chili, and that they spare no pains to present the most natural and logical events of my government in a wrong light.

I avail myself, &c.,

M. MARTINEZ.

No. 146.

Mr. Frelinghuysen to Mr. Martinez.

DEPARTMENT OF STATE,
Washington, January 16, 1882.

SIR: In acknowledging the receipt of your excellency's note of the 10th instant, permit me to convey to you my gratification in receiving your assurance that the Government of Chili, in its attitude toward the Calderon Government in Peru and in its treatment of President Calderon, had no intention or purpose to impair in any way the state of friendship and cordiality which has always existed between it and the Government of the United States, and which it is the sincere wish of this government may be perpetual.

Accept, sir, &c.,

FRED'K T. FRELINGHUYSEN.

No. 146½.

Mr. Martinez to Mr. Frelinghuysen.

LEGATION OF CHILI,
Washington, January 18, 1882. (Received January 21.)

SIR: I continue the agreeable task of communicating to you the news brought by the last mail.

The rumor current after the arrival of the last mail, to the effect that the municipal authorities had been discharged from their duties in Lima, had proved correct. The general-in-chief of the Chilian army felt himself obliged to take this measure because the municipality wished to act with absolute independence of the executive authority, which was in every way impossible, and also because the management of the municipal funds was in every way improper. On the other hand, the municipality failed to make the necessary expenses for the police, and security, and cleanliness of the city, notwithstanding the fact that they had more than sufficient resources for it.

These circumstances induced the general-in-chief of the army of occupation to name a superintendent of the municipality; and since the mayor (alcalde) refused to recognize the measure, the rear-admiral was forced to issue a decree with the date of 7th of December, declaring that the functions of the municipality had ceased, and that Señor Adolfo Guerrero was nominated as political chief of the department of Lima.

This measure was indispensable, and for considerations which had no right to exist, had not been taken beforehand because it was impossible to maintain a system whose political and local administration obeyed principles, interests, and regulations completely independent and opposite.

At present there are in Peru four supreme chiefs: General Montero in the north; General Cáceres in the center; Colonel Latorre in Arequipa, Puno, and Cuzco; and another, Colonel Pacheco Cespedes, in Moquegua, none of whom recognizes the other as superior.

A manuscript of a letter said to have been sent by General Hurlbut to the guerrilla chief Cáceres has been very widely circulated in Lima. In Lima the authenticity of this document was not doubted, and Mr. Hurlbut took no steps to deny it. Your excellency will permit me to inclose a copy of this strange document, which has been published in the press of Panama. I received a manuscript copy, with the assurance that it was authentic.

I take pleasure, &c.,

M. MARTINEZ.

[Inclosure in note from Mr. Martinez, of January 18, 1882.—Translation.]

Mr. Hurlbut to General Cáceres.

DEAR SIR: I did not, for weighty reasons, answer your letter by the same person who brought it to me.

The United States have already recognized the constitutional government, first in the person of Dr. Don Francisco Garcia Calderon, and afterwards in that of the Vice-President, Rear Admiral Montero.

It is, consequently, evident that it is impossible for it to recognize any other government.

The plan of a junta appears to me to be altogether impracticable in fact and inadmissable in theory. A government under this form would, in my judgment, only lead to disagreement and discord, and instead of assuring unity of action, would involve uncertainties and hesitations.

I am anxious to see the speediest disappearance of all parties, and that all Peruvians may be united for the maintenance of a constitutional *règime*. This would demand sacrifices on the part of some, but all good causes are strengthened precisely in this way—by sacrifices.

Within ten days or two weeks there will reach this city special commissioners sent out by the United States. It is of the highest importance to say to them that all Peru is at last united in the sole aim of saving the country.

I see no other way by which you can add additional lustre to your high reputation, nor by which you can render such good service to the cause of the independence of Peru.

I am, &c.,

S. A. HURLBUT.

LIMA, *December* 11, 1881.

3.—PERU.

No. 147.

Mr. Gibbs to Mr. Evarts.

[Confidential.]

No. 311.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, February 19, 1879. (Received March 17.)

SIR: As we have no minister at Bolivia, and a serious, that is now an open, rupture having risen between that country and Chili (partly referred to in my dispatch No. 304, of 10th instant), and which is very probable will involve this republic, I have thought it necessary to inform the department of the events that have taken place and the causes to date.

The district or province of Atacame is a desert, or at least a greater part that borders on the Pacific Ocean in Bolivia, bounded on the south by the parallel line of the twenty-fourth degree of latitude, a line that was agreed upon with Chili in a treaty of limits celebrated between the two countries August 6, 1874, the Bolivians agreeing to pay the Chilians half of the export duties collected on all minerals exported from Atacame. By a protocol to the above treaty, made in July, 1875, the agreement in relation to duties collected on metals was rescinded, but remained on guano. Previous to this treaty many rights and franchises were ceded by Malgarejo, one of the Presidents of Bolivia, but the Bolivians claim that those cessions were never confirmed by any legislative sanction.

The province of Atacame is very productive of nitrate and, in many parts, of borax. The desert extends from the coast about 70 miles eastward to the Andean range of mountains, which are rich in metals—copper, silver, and gold. Antofagasta, about latitude 23° 40′ south, is the port from whence are exported the products of the nitrate fields. The nitrate works, the railroad from the port to manufactories, the moles at the port, all are owned and built by Chilian and some English capitalists.

According to the treaty of 1874 with Chili, every facility was given to induce the Chilians to invest their capital in these works, and by Article IV it was stipulated.

> The duties of exportation imposed on minerals from the zone referred to in the previous articles shall not be increased to more than actually paid at present; nor the persons, industries, or capital of Chilians shall be subject to contributions or taxes of any kind other than those existing. The clause in this article shall remain in force for the term of twenty-five years.

By a law passed in the Bolivian Congress February 14, and decreed the 23d, 1878, it was ordered that all nitrate exported from Antofagasta should pay ten cents per quintal as contribution. It was not put into force at the time, remaining in abeyance. The nitrate company and the Chilian minister at La Paz interposed to prevent, if possible, the carrying out of the law; the company, on the ground that their rights, legally acquired, were attacked; the minister, in defense of an existing international treaty. Matters remained in this state, when, on the 8th of November last, the Chilian government, through its minister at La

Paz, informed the Government of Bolivia that if the law of contribution was put into force Chili would declare the treaty of limits of 1874 annulled, and would throw the responsibility on Bolivia.

The Government of Bolivia answered that there was no room for such a measure, as the tax was imposed on an association or company. The result was that an order was given to the authorities of Antofagasta for the immediate collection from the nitrate company of the sum of $90,848.15, being the amount calculated on export of nitrate from the date of the decree of the 14th of February; this order was given on the 17th of December; on the 18th the Chilian minister, in a note to the Bolivian Government, that on receiving the note ordering the tax to be collected, he, in the name of his government, declared the treaty of 1874 abrogated.

On the 26th of December the Bolivian Government answered the Chilian minister saying that the course taken by the Chilian Government was to be regretted; that it was justified in its procedure, and reminding the minister that according to article 2 of the treaty there was always a chance in such cases for arbitration.

It appears that Bolivia held off, and would have left the question to be regulated by Congress on its meeting, or by arbitration; but the action of Chili, in its note of the 8th of November, aroused the feelings of the Bolivians, and caused the order for the carrying out of the decree.

Various rumors reached Peru that a rupture would take place but were not generally credited, all doubts were removed a short time since when it was known that Chili had ordered some vessels of war to carry troops to Antofagasta, to land, seize the port, railroad, and the nitrate works. From information received by telegraph, it appears that a fleet of Chilian vessels arrived at the port on the 14th instant, disembarked fifteen hundred troops and have taken possession of the place; the fleet consisted of the iron-clad Admiral Cochrane, the Blanco Encalada, and the O. Hoggins. It is said that these vessels carried arms and ammunition for two thousand more men that could be armed in Bolivian territory as a great majority of inhabitants of the nitrate district are Chilians.

On the 16th instant Señor Reyes Ortiz, minister of foreign affairs of Bolivia, now acting as a special envoy, arrived at this capital, it is said by the press, to ask permission for the privilege to pass Bolivian troops through Peruvian territory, from Lake Titicaca to Mollendo, a port some 400 miles north of Antofagasta.

It is certain that the arrival of this envoy has caused quite a sensation; it is thought that the object of his mission is to induce Peru to take part with Bolivia.

I have heard on various occasions that there existed a secret treaty for an alliance, offensive, and defensive, between the Argentine Republic, Bolivia, and Peru, against Chili; by making inquiries I have learned from trustworthy sources that a treaty as above was made and signed July 3, 1873, and is still in force.

Foreigners residing in Peru will notice that there exists great antagonism against Chili; while apparently friendly as two sisters and neighboring republics of the same origin, there is a deep feeling of antipathy between them. It is difficult to give a cause for these sentiments; the Peruvians say that Chili is overbearing and rejoices at any ill fortune that may overtake her neighbors. I believe this feeling of ill will goes back for generations, the Peruvians looking upon the Chilians with contempt during colonial times.

Most of the persons with whom I have conversed in relation to this rupture express regret at the state of affairs, but it can be easily per-

ceived that their sympathies are with Bolivia, not for any liking for that republic, but through ill will to Chili; and I judge Peru will eventually be induced by some overt act to take part with Bolivia against Chili.

The President of this republic, General Prado, when an exile from this country, resided in Chili; and it is said is personally very friendly to that State, where, reports say, he has also pecuniary interests. I think General Prado will do all that is possible to prevent an outbreak between the countries, but I fear that public opinion will counteract his peaceful efforts and overwhelm him.

What may complicate Peru is a treaty made in secret session February 5, 1877, wherein the right of transit was guaranteed to Bolivian troops through Peruvian territory at any time; this treaty is not spoken of, but to a few is known to exist.

A few days ago a committee of some of the principal Peruvian naval officers were ordered to examine the war vessels of this republic, now at Callao; the result of the examination was an order that the vessels should go into dock to be overhauled and cleaned.

It is to be greatly regretted that these South American States should be so easily led into war, and for such trifling causes; none of them can afford it; this country, as will be seen by my despatch No. 304 of the 10th instant, is in a very impecunious state, Chili not so much, and financially is better off; Bolivia has not much to lose; the Antofagasta nitrate fields are separated from the agricultural and inhabited parts of the republic some hundred of miles by the western range of the Andes, crossed by narrow and difficult passes at certain points.

Chili could easily hold the coast, and perhaps annex it, if Peru does not interfere. Some of the principal mines of Bolivia, silver and copper, are worked by Chilians and with Chilian capital; these would be seized and confiscated by the Bolivians.

By some thinking persons it is feared that if Peru takes part in the conflict, and troops are taken from Lima for the southern provinces, Piérola will make his appearance in a short time near the capital; if he did, I think it would upset the present administration and create great political changes in the country.

I am, &c.,

RICHARD GIBBS.

No 148.

Mr. Gibbs to Mr. Evarts.

No. 314.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, February 26, 1879. (Received March 17.)

SIR: I have the honor to refer to my dispatch, No. 311, of the 19th instant, in relation to the conflict between Chili and Bolivia. On the 15th the Chilian minister at La Paz declared that peace had been broken, and demanded his passports, which were given.

On the 23d instant telegrams were received that the Chilian Government had prohibited the exportation of mules from the Argentine Republic to Peru. On the 23d the mails from the south brought full details of the taking of the ports of the Bolivian coast, which reads like a formal possession by the Chilian forces, and intentions of remaining, the Bolivian authorities having left and Chilian taking their places.

It is not known what position this country will take, the last three days being carnival, no papers have been published, and all official business suspended.

I am, &c.,

RICHARD GIBBS.

No. 149.

Mr. Gibbs to Mr. Evarts.

No. 316.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, March 5, 1879. (Received March 26.)

SIR: I beg to refer to my dispatch, No. 314 of 26th ultimo, in reference to the occupation of Bolivian coast territory by Chilian forces, the details that arrived by the coasting steamers confirm the news, and all information points to the fact of an apparent determination of the Chilians to remain, as they have established civil and military government in due form on all the points occupied.

Great excitement exists in this country in relation to the matter, the press, with rare exceptions, calling on the government to take an active part with Bolivia against Chili. A remarkable article appeared in "El Nacional," calling on the President to declare war against Chili or resign; the papers of last evening call for an extraordinary Congress, and, from all that I can learn, I think that this country will be led into the question, taking part with Bolivia, for there is no doubt that there is a strong anti-Chilian feeling through all Peru.

Senator D. José Antonio Lavalle, a distinguished Peruvian, has been sent to Chili on a special mission in relation to this affair, and I judge much will depend upon his reception by the Chilian Government, which will decide the course to be taken by the republic. He has filled the position of minister to Russia and Germany. From private telegrams received, it is thought that his mission will be ineffectual.

I am, &c.,

RICHARD GIBBS.

No. 150.

Mr. Gibbs to Mr. Evarts.

No. 317.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, March 12, 1879. (Received April 3.)

SIR: I have the honor to refer to my preceding dispatch, No. 316, of 5th instant, relative to the Chili-Bolivian question. In writing upon this subject it is to place the Department in knowledge of events that may affect this republic. I presume I am also warranted in mentioning affairs of Bolivia, as at present the United States has no representative at that republic to explain affairs. I have to refer to acts of the Chilians, which belong properly to my colleague, Mr. Osborn, at Santiago. I make this explanation that it may not be inferred I am writing on matters outside of my mission.

Up to the present, I have no information of a formal declaration of war having been made either by Chili or Bolivia.

Chili has, by force of arms and through her vessels of war, taken pos-

session of the coast of Bolivia from its limits, latitude 24° south, down to Tocopilla, north of the twenty-second degree, within 30 miles of the river Loa, which is the boundary line between Peru and Bolivia, and holds the whole coast, establishing marine, military, and civil government. From articles here published, taken from the Chilian press, it is said to be only a reoccupation of territory that belonged to Chili, ceded by treaty for certain rights granted, which, not being carried out, Chili has merely repossessed themselves of their own, or, in Spanish, "revindicacion," which may be translated "reinstation."

The only official action taken by Bolivia is a proclamation by President Daza, which is not a declaration of war. I inclose a copy of it in Spanish, taken from a Lima paper, and a translation from the South Pacific Times, of Callao.

This government continues its preparations, I suppose following the old adage, "If you wish peace, prepare for war."

On the 7th instant a regiment of infantry was sent to Callao to be embarked for Iquique, the great nitrate port, the most southerly in this republic, and within about 80 miles of the boundary line between Peru and Bolivia. Great enthusiasm was manifested, and the scene at the railroad station was one of great excitement, a multitude being there to see them off. Yesterday the monitors Atahualpa and Manco Capac got up steam, left their anchorage, and practiced with their heavy guns.

The Peruvians have a large quantity of heavy Blakely, Rodman, and other guns in their deposits, and are changing the smooth-bores on their iron-clads for rifle-bores. Their fighting fleet consists of four iron-clads; Independencia, 2,004 tons, 550 horse-power, 22 guns; Huascar, turret, 1,130 tons, 300 horse-power, 5 guns; Manco Capac, monitor, 1,034 tons, 330 horse-power, 2 guns of 500; Atahualpa, 1,034 tons, 330 horse-power, 2 guns of 500.

The authorities are doing all possible to avoid any public demonstration that may complicate affairs. The students of the oldest and most important university of the country, San Carlos, called a meeting of its members, or alumni, to take place at the fair grounds on the 9th instant. The chief of the police was on the ground and did not allow it to take effect. The young men on arrival there were quietly informed that it would not be permitted, and they returned without making any demonstration.

On the 10th instant telegrams were received from Senator Lavalle, the special minister sent to Chili, stating that his reception at the capital, Santiago, was satisfactory.

These people are of a very excitable nature, and as such the first impressions quickly pass. I think if no extraordinary event takes place, and the actual state of affairs is not changed by some overt act on either part, peace may be preserved between this country and Chili; although there is a feeling of obligation by events that are to be feared in the future. Many Peruvians fear that if the Bolivians are left to themselves they will try and seize the southern province of Tarapacá, the great nitrate deposit, and a more immediate outlet for them to the coast.

One of the results of this uncertainty is the effect on financial affairs. Exchange on England has fallen from 23*d*. to 19½*d*. per sol; American gold 120 premium, now 150, and the necessaries of life increasing in price.

Want of funds may check the war fever of the Peruvians, but one of the leading papers, in last evening's edition, says there are three ways of raising money: an appeal to the country for voluntary contributions

to the war; a direct war-tax on the whole population; or, in an extreme case, emission of paper money.

I have just this moment, at a late hour, received a note from the Bolivian minister, Mr. Zoch Flores, declaring that his country accepts the war forced on them by Chili. I inclose copy with translation. He wishes me to telegraph the idea to the State Department, but, on reflection, I advised.him to do it personally over his own signature. He informs me that by the mail received this day there is an immense enthusiasm in all Bolivia for the war, and there will be no lack of funds or men.

I am, &c.,

RICHARD GIBBS.

[Inclosure 1 in No. 317.]

[From the South Pacific Times, Tuesday, March 11, 1879.]

The important documents of which the following are translations have been published in the Bolivian papers:

HILARION DAZA, President of the Republic of Bolivia—

Considering:

That the military occupation of the department of Cobija by the invading forces of the Chilian squadron is an unjustifiable attack on the sovereignty of the republic and its territorial integrity;

That the country being invaded it is a national duty to sustain its independence and defend its dignity with the unanimous efforts of all Bolivians, who, in the hour of conflict, have always known how to unite with integrity and patriotism;

I decree:

SOLE ARTICLE. An amnesty, ample and without restriction, is conceded to all Bolivian citizens who, for political motives, should be under trial or abroad, certain that they will place themselves on the side of the government, which at present has no other thought than that of raising very high the national banner under whose shadow all the sons of the soil will fraternize.

Given in the city of La Paz, on the 20th day of the month of February, one thousand eight hundred and seventy-nine.

H. DAZA.
MANUEL OTHOU JOFRÉ.
JULIO MENDEZ.

Countersigned:

EULOGIO D. MEDINA.

A true copy.
The chief officer of government,

LUCIANO VALLE.

HILARION DAZA, President of the Republic of Bolivia—

Considering:

That the parts of Antofagasta, Mejillones, and the mineral district of Caracoles have been occupied by expeditionary forces of the Republic of Chili; that this act of unjust and perfidious aggression compels the nation to take up arms to defend the integrity of its territory, its sovereignty, and independence, assailed by an unloyal and ambitious neighbor; that the state of war to which the republic has been impelled makes it necessay to confer on the government the efficacious and extraordinary power which the political constitution of the state concedes to it in cases of great danger in consequence of interior commotion or foreign war, the counsel of ministers having been heard;

I decree:

SOLE ARTICLE. The country is declared in danger and in a state of siege, in conformity with the prescription of the 26th article of the constitution of the state; in consequence the government is invested with the faculties contained in the 27th article, while during the present circumstances of war, brought on by Chili, endure.

The ministers of state, each in his respective branch, remain charged with the execution of the present decree.

Given in the city of La Paz, on the 24th day of the month of February, one thousand eight hundred and seventy-nine.

H. DAZA.
MANUEL OTHOU JOFRÉ,
JULIO MENDEZ.

Countersigned:

EULOGIO D. MEDINA.

A true copy.
The chief officer of government,

LUCIANO VALLE.

[General Order.]

MINISTRY OF WAR,
Headquarters, La Paz, February 27, 1879.

The President of the Republic has considered it desirable to make known to the army the occurrences on the frontier, and has issued the following proclamation:

SOLDIERS: Under the shadow of peace, which should be unalterable and cordially sustained by the Republics of Chili and Bolivia, because the interests of both countries so require it, and because my government has taken care to cultivate with diligence its fraternal relations, that of that nation has just consummated an outrage on civilization for which there is no name. On the 14th of this month two Chilian steamers of war, with eight hundred men for disembarkation, and supported by a considerable number of persons depraved by misery and vice, assassins of the curved blade, have taken possession of our defenseless ports of Antofagasta and Mejillones by surprise, without previous declaration of war, without taking into account that civilization condemns vandalic acts more than it does those of hordes of savages, if they are committed by nations and governments which pretend to culture. The result of an international iniquity, it is natural that it should have been the perpetration of crime as a praisworthy action. A Bolivian policeman, his wife and child, in Antofagasta, and four laborers in Carmen Alto, have been assasinated with the special weapon of the Chilian bandit, the curved dagger.

COMPANIONS: So cynical a conculcation of the rights of humanity imposes on all the States of the American continent a sacred duty of eminent justification and of foresight, which sooner or later they will have to fulfill.

In the mean time the Bolivian army will let the world know that the honor of Bolivia and the integrity of its territory are under the safeguard of its bayonets, and that on this occasion, as on others, it will know how to chastise its cowardly aggressors.

COMRADES: I expect everything from your patriotism, your serenity, and discipline. If the government which has believed it would humiliate us by the occupation of our desert shores does not honorably retract its vandalic acts, there will remain inaugurated for us a glorious epoch, because we will all fulfill with emulation the holy duty of fighting without truce or hesitation the enemies of the national autonomy, the usurpers of our territory, the conquerors of civilized towns. Let our motto be to "live or die for Bolivia."

Be ready for the precious moment in which the campaign opens, and we will march to recover the beautiful soil of Atacama, which was left us by the founders of the republic.

H. DAZA.

HEADQUARTERS IN LA PAZ,
February 27, 1879.

This is made known in the order of the day to the end that the chiefs, officers, and troops redouble their efforts and perseverance to arrive at the highest degree of *morale* and discipline, indispensable elements for the fulfillment of the sublime duties which in these moments Bolivia imposes on its sons armed in its defense, and to obtain splendid victories.

The general and minister.

JOFRÉ,
The 2d Adjutant Major.

A true copy.
The colonel adjutant-general.

IGNACIO CEVALLOS.

No 151.

Mr. Gibbs to Mr. Evarts.

No. 322.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, March 19, 1879. (Received April 14.)

SIR: Referring to dispatch No. 316, of the 5th instant, relating to the Chili-Bolivian rupture, I have not much to add. Preparations going on and all appearances of Peru and Chili gravitating to war, which means ruin. I inclose translation of a decree given by President Daza, of Bolivia; expulsion of Chilians and embargo of their property.

I am, sir, &c.,

RICHARD GIBBS.

[Inclosure 1 in No. 322.]

[From the South Pacific Times, Tuesday, March 18, 1879.]

EXPULSION OF CHILIANS FROM BOLIVIA.

The Government of Bolivia have issued the following decree:

[Translation.]

HILARION DAZA, President of the Republic of Bolivia—

Considering:

That the Government of Chili has invaded *de facto* the national territory without observing the rules of international law or the practice of civilized nations, violently expelling the authorities and Bolivian citizens resident in the department of Cobija;

That the Government of Bolivia finds itself in duty bound to dictate the energetic measures which the seriousness of the situation demands, without departing, however, from the principles recognized by the rights of nations;

I decree:

ART. 1. All trade and communication with the Republic of Chili is prohibited during the continuance of the war undertaken by that republic against Bolivia.

ART. 2. The Chilians resident in Bolivian territory must disoccupy it within the term of ten days from the date of the notification, which should be made them by the local political authority; they being at liberty to take with them their private papers, their baggage, and articles of personal use.

ART. 3. The expulsion ordered in the previous article can only be suspended for the term, which should be strictly indispensable, on account of sickness or other serious impediment in the judgment of the authorities.

ART. 4. The respective authorities will proceed, as a war measure, to embargo the fixed and moveable property belonging to Chilian subjects within the territory of the republic, with the exception of the objects designated in article 2. The mining property belonging to Chilians, or in which there should be shareholders of that nationality, may continue to be worked under the charge of an administrator appointed by the authorities or with the intervention of a representative of the government, as they may think most desirable.

ART. 5. The net proceeds of the mining property belonging to Chilians, or of shares belonging to the same, shall be deposited in the national treasury.

ART. 6. The embargo ordered by this decree will be converted into definite confiscation, should the kind of hostilities engaged in by the Chilian forces require an energetic retaliation on the part of Bolivia.

ART. 7. All transferences of Chilian interests made at a later date than the 8th of November last, on which date the Chilian Government declared the treaty of 1874 annulled, will be ignored; and any contract which should have been agreed upon in this respect will be considered void.

The minister of government and foreign affairs will take charge of the publication and execution of this decree.

Given in the city of La Paz the 1st day of March, 1879.

H. DAZA.

No. 152.

Mr. Gibbs to Mr. Evarts.

No. 323.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, March 26, 1879. (Received April 15.)

SIR: Referring to my preceding dispatch, No. 322, of 19th instant, I have not much to add.

The Peruvians preparing their iron-clads and monitors; also many men working at the shore defenses and batteries at Callao.

On the 24th instant a proclamation was published in due form convoking an extraordinary session of Congress to meet on the 24th of April next. The proclamation simply states the reason, as follows:

1st. To make known to the Congress the conflict existing between Chili and Bolivia, so that the position of the republic in relation to the belligerents be defined, and to resolve what might be necessary.

2d. To treat on matters of the highest importance and general interest that the government may deem necessary to place before it.

I should not be surprised if Chili takes the first step and not await for a declaration of war from Peru, but strike the first blow. If they do, it will be unfortunate for this republic, as it appears to me they are not ready to enter into a conflict on the sea, for which I believe the Chilians are better prepared.

I am, &c.,

RICHARD GIBBS.

No. 153.

Mr. Gibbs to Mr. Evarts.

No. 326.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, April 2, 1879. (Received April 28.)

SIR: Referring to dispatch No. 323, of 26th ultimo, as I expected, Chili has declared war. This forenoon several commercial houses and various persons received telegrams from Valparaiso stating that war had been declared. This news I suppose has been forwarded already from Valparaiso by telegraph to the Department.

The news has been received with little excitement, as it was expected by many. It has disturbed financial affairs, exchange being nominal. American gold is held at 200 per cent. premium and Peruvian silver 130.

I think this war will affect our commerce, as we have quite a number of vessels loading at the guano and nitrate ports, and I would suggest a larger number of vessels of war on this coast for the protection of our flag.

Up to the present, news has been received of one skirmish between Bolivians and Chilians, at Calama, on the river Loa, in the interior, near the Peruvian boundary, the Bolivians abandoning the town and retiring to the interior.

Chilians now occupy the whole Bolivian coast.

I am, &c.,

RICHARD GIBBS.

No. 154.

Mr. Gibbs to Mr. Evarts.

No. 329.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, April 8, 1879. (Received May 5.)

SIR: On the 5th instant I received a circular note from the Peruvian Government, of which the inclosed is a copy; also the number of the official journal referred to, El Peruano, annexed, containing the correspondence between the Chilian minister and the bureau of foreign affairs of Peru, relating to the suspension of friendly relations between the two countries and the retirement of the Chilian minister.

I have not had sufficient time to translate all of the documents, but have a part—the first note of the Chilian minister, of 17th ultimo, asking explanations and demanding declaration of neutrality; the answer of the Peruvian Government, referring to the mission of Mr. Levalle to Chili; and I have taken from the South Pacific Times, of Callao, of this date, translation of the final note of the Peruvian Government to Mr. Godoy's, in which he asks for his passport.

I have answered the circular note of the bureau of foreign affairs, as per inclosed copy.

In connection with the foregoing, I inclose a copy of the translation, from the South Pacific Times, of the secret treaty between Peru and Bolivia, referred to.

I am, &c.,

RICHARD GIBBS.

[Inclosure 1 in No. 329.—Translation.]

Mr. Irigoyen to Mr. Gibbs.

Circular.] BUREAU OF FOREIGN AFFAIRS,
Lima, April 5, 1879.

SIR: By the documents to be found in the inclosed number of the official journal, your excellency will be informed that the Government of Chili, through the diplomatic agent who represented it in Lima, has declared war against Peru.

My government will in due time, in a document, inform your excellency the manner in which it has proceeded since the initiation of the Chilian-Bolivian question and the motives which have guided it.

In the mean time the contents of the said documents are submitted to the judgment of your excellency and of the Government of the United States.

I improve, &c.,

M. IRIGOYEN.

[Inclosure 2 in No. 329.—Translation.]

Mr. Godoy to Mr. Irigoyen.

LEGATION OF CHILI IN PERU,
Lima, March 17, 1879.

SIR: The bellicose preparations which your excellency's government has commenced since the outbreak of the Chilian-Bolivian conflict are notorious.

The army has been considerably increased, and increasing to a number much more than is necessary for ordinary service in time of peace; a large division of it, well armed and abundantly supplied with munition, have been sent near to the territory which will be the ground probably of battle which the Bolivian army dispose to use against that of Chili.

The vessels of which the Peruvian Navy is composed are preparing and getting ready, as if entering in active service; speedily increasing their crews, strengthening

their armament, embarking munition stores and combustibles, making frequent and unusual exercises; new iron-clads have been urgently ordered from Europe to increase the navy, which, during many years of international peace, was considered sufficiently powerful; the ports that defended the port of Callao and shelter the national fleet are mounting guns, recruiting men for service, gathering material, and are exercising diligently their guns, getting ready, in a word, to sustain battle.

Along with these indications of a bellicose attitude, unexplained by the excitement of any known danger that menaces the honor, the integrity, or interest of the republic, it is to be also noticed, in at least a portion of the people, the sound, spontaneous or suppressed, of sentiments of hostility towards Chili—sentiments bitterly expressed daily, exciting the feelings, aggravating passions, and even clamoring openly for war; the Peruvian press nearly unanimously so; and what shows, too, feeling, was a popular meeting yesterday, that unmolested passed through the streets of the city to the Bolivian legation, exchanging sentiments of deep sympathy for Bolivia and hate and war against Chili.

And to such violent motives of inquietude and danger for those whom in Chili, as others in Peru, who have dedicated their sincerest efforts to the conservation of peace and the unaltered friendship between both states, it is necessary to add another of extreme gravity—the conviction not denied authoritatively by any person up to the present, which, in either country exists, that Peru is formally compromised to make common cause with Bolivia against Chili in virtue of a secret alliance offensive and defensive.

In view of this state of affairs, Chili, that has not in its international relations ceased to give for as many years as it has autonomous existence undoubted proof of its love, peace, that no effort within reach of its will and compatible with its honor has ever been omitted to preserve perfect harmony with other nations, and to create the sympathies of those who specially have the same origin and nearly common destiny, who, if to-day, has broken its relations of friendship with one of these, and disposed to avail the decision of the controversy by battle, it is because to such extreme it has been dragged by the Government of Bolivia, daringly breaking a solemn treaty, opposing obstinate resistance to all means of a friendly compromise, ordering arbitrary proceedings as the ultimate answer to the pacific and benevolent invitations that up to the last moment were made. Chili, whose armies twice passed the limits of its frontiers, because it came under allied banners to shed its blood for the redemption of Peru; Chili, who desires to increase and strengthen the bands of friendship, of esteem, and of common interest that binds it to this republic as sincere, as well proved, has cause in the defense of its rights to be preoccupied in the attitude that reveals the existence of which there is no doubt of the secret alliance with Bolivia, the hostile demonstrations without guise of a portion of the people, and the warlike preparations on the part of the government.

I believe it proper to make it clearly understood the action in respect to the Government of Bolivia to ask seriously if the government of your excellency has the intentions which duty imposes of remaining neutral in the face of the acts which are and may take place in Chili, defending with arms the reoccupation of the territory of the coast south of the 28th degree of latitude.

I await with confidence that your excellency's government giving proofs that to Peru it is not indifferent, the traditional friendship with Chili; that for mutual convenience and the dictates of justice it will not refuse a formal declaration of neutrality, thus clearing away all want of confidence between two nations that should live in perfect harmony.

To obtain this declaration my government has given me special orders, to which I will faithfully adhere, praying that your excellency will be pleased to give this subject preference, which in itself is very necessary to calm immediately the injurious effects of the alarm that dominates in all minds.

I improve this occasion to reiterate, &c.,

JOAQUIN GODOY.

Mr. Irigoyen to Mr. Godoy.

LIMA, *March* 21, 1879.

SIR: I had the honor of receiving the note of the 11th instant, in which your excellency, after making various reflections relative to the conflict existing between Chili and Bolivia, terminates, asking through specific orders from your excellency's government that that of Peru will make a formal declaration of its neutrality in face of the acts that have and may take place between said republics.

His excellency the chief of the nation, to whom I have given account of said notes, orders me to inform your excellency that Peru, having accredited a special mission to Chili precisely destined to understand with the government of your excellency on all incidents that have happened, or may take place in the future on the coast of Bolivia,

of which the cabinet at Santiago has not as yet made known, orders have been given to the plenipotentiary who fills the mission, the necessary instructions on the points referred to by your excellency in said note.

I improve this opportunity, &c.,

MANUEL IRIGOYEN.

[Inclosure 3 in No. 329.]

[From the The South Pacific Times, April 8, 1879.]

THE RETIREMENT OF THE CHILIAN MINISTER.

The following is the communication of the Peruvian minister of foreign affairs to Señor Godoy, the late Chilian minister in Lima, in reply to the latter gentleman's letter asking for his passport:

[Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Lima, April 4, 1879.

The undersigned, minister of foreign affairs for the Republic of Peru, had the honor of receiving yesterday, at 1.30 p. m., the note of the same date which his excellency the envoy extraordinary and minister plenipotentiary of Chili was pleased to address to him, announcing in the name of his government the rupture of the good relations between Chili and Peru, and the termination of his diplomatic mission, and requesting, in consequence, that his passport be handed him.

The very grave importance of the said document makes it the duty of the undersigned to examine the reasons therein set forth, in support of such a transcendental determination of the Chilian Government, and accordingly he here commences to do so, beginning by assuring your excellency that the charges brought against this government on account of the manifestations that the Peruvian people have thought fit to make concerning the Chilian-Bolivian war, through the medium of the press and by means of popular meetings, totally disappear before the consideration that they have been made in the exercise of a right sanctioned by the law, and also that they have originated in the attitude of the Chilian press and people, which, since the commencement of the war, forgetting that the question was with that government, have busied themselves with marked satisfaction in calumniating Peru and its government, and in rousing up against them the worst and lowest sentiments of the masses, one of the numerous results of such a line of conduct having been the outrages committed in Valparaiso and Antofagasta on the consulates of this republic. The press of this country, on the other hand, has never assumed the tone and tendencies of that of Chili; neither have the popular meetings in Lima and in other places ceased for a single moment to be other that calm and irreproachable gatherings, nor have the authorities once relaxed their diligence in taking measures, although they knew that such were unnecessary, to prevent the least possible chance of any offense being given to the representatives of Chili, as your excellency is aware.

And having made these indispensable observations on what your excellency says in the note on these subjects, the undersigned now proceeds to take into serious consideration the points of real importance in the same document.

Your excellency states that the treaty of alliance existing between Peru and Bolivia, and which all the precautions taken have failed to keep secret, formally bound the first named country, in the event of such a war arising as that between Bolivia and Chili to-day, to become the enemy of Chili and to cause the damage of that country by the aid of its navy, army, and treasure.

The undersigned is ignorant how your excellency can make such an asseveration, knowing, as you do, since the middle of March last, the general and defensive character of the treaty in question, as also the obligation it imposes upon both the contracting parties to employ with preference every conciliatory measure possible to avoid a rupture, and the right that each had reserved, of deciding whether the offense offered to the other was such as to warrant the bringing into effect of the treaty. Your excellency was first assured of this by his excellency the President of the republic, and subsequently by the undersigned, and almost at the same time the government of Santiago must have received the same assurance direct from the plenipotentiary, Señor Lavalle, an assurance sufficiently powerful to cause Chili to rightly estimate the spirit of conciliation and peculiar deference shown by Peru, since, although authorized to present itself as the ally of Bolivia from the first day on which the government of your excellency occupied with its troops the Bolivian coast, it deferred putting into execution of the treaty of alliance, endeavoring without ceasing and without omit-

ting any proper means to bring about an arrangement which, without the necessity of appealing to the said treaty, should do away with the possibility of a war between three republics so obviously intended to live perpetually in perfect harmony with one another.

The government of your excellency appears, nevertheless, not to have given credit to such explicit and frank assurances, and shows itself to be deeply offended by the existence of an alliance not celebrated to its damage nor harm, and which it has been in its power to leave without effect, and of the precise wording of which, if your excellency has not been informed, as you request to be, it has merely been because inasmuch as one of the clauses stipulates for reserve until both the contracting parties should deem it necessary and agree to it in due form, the government of the undersigned was unable to act on its own decision.

Treaties of the character and tendency of the one in question are perfectly allowable as a means of cementing closer the relations of two states with one another, particularly when these are situated as are Peru and Bolivia, and no nation has the right of taking offense at their existence.

Under no pretence, therefore, is it just that the Chilian Government should accuse Peru of having taken a measure of preconceived hostility in celebrating a treaty which can only affect that government, should it attack, as it has done, the clearest and most vital rights of one of the contracting parties.

Neither can Chili be surprised nor complain because Peru has made a defensive alliance with Bolivia, since Chili herself more than once has striven to effect the same thing, and not in the inoffensive and abstract manner in which Peru has done it, but, with the express object, to which I abstain from applying the true name, of acquiring that portion of the Bolivian coast of which it has now forcibly possessed itself, under the pretext of recovering what was formerly its own, promising in return to aid Bolivia with its ships, armies, and treasures in the rash attempt to dispossess Peru of Iquique and Arica as far as the morro of Sama. Chili also, in the year 1864, with hostile intentions towards Peru, solicited the alliance of Ecuador, and at various periods and with repeated instances that of a nation as powerful as she is wise and prudent.

Nevertheless the most perfect harmony existed between Peru and Chili, whilst these secret negotiations, which time has disclosed and proved, were going on.

The assertion made by your excellency, to the effect that the government of the undersigned has commenced to give effect to the said treaty of defensive alliance, by directly, though secretely, providing the Government of Bolivia with arms and munitions of war, is completely void of foundation, and is offensive to the proved loyalty of Peru, and accordingly it is the obligation of the undersigned to state so.

Another portion of the note of the Chilian minister which the undersigned considers it his duty to elucidate is that which refers to the treatment to which your government thought proper to subject the communication of your excellency of the 17th of March last, wherein, after making identical accusations to those contained in the present note, Peru was requested to declare its neutrality.

Your excellency was duly advised by the communication which the undersigned addressed to you on the 21st of the same month, and that the Government of Peru having appointed a special mission to treat directly with the cabinet of Santiago, about everything relating to the Chilian-Bolivian war, its members would be duly instructed as to all the matters referred to in the said communication of your excellency.

The Government of Peru, therefore, did not refuse to furnish the required explanations, but confined itself, in accordance with the usual observance of diplomacy, to doing same through the medium of its plenipotentiary *ad hoc.*, to which end it remitted him on the 22d of the said month, that is to say, on the following day to that on which the reply mentioned was addressed to your excellency, the necessary instructions, one of which ordered him to forward to His Excellency Señor Fierro a copy of the note containing them.

The undersigned is convinced that the explanations which Señor Lavalle was instructed to give were capable of inducing the Chilian Government to take a more tranquil view of the true motives that have guided the conduct of Peru.

Unfortunately, and when the latest communications from Señor Lavalle, which came to hand the day before yesterday, encouraged the hope that the means of arriving at a satisfactory solution of the matter were not yet all exhausted, other counsels have evidently been received and acted upon by the government of your excellency, which has not even seen fit to wait the short period necessary to receive the said explanations.

The note of His Excellency Señor Godoy concludes in saying that Peru has assumed the character of a belligerent, and that, it being incompatible with the dignity of Chili to maintain longer the legation accredited here, he announces as at an end his mission of peace, and throwing all the responsibility of this determination on the Government of Peru, which has made it inevitable, he asks for his passports in order to leave the country at as early a date as possible.

The Government of Peru, which has loyally done its best to avoid this extremity; which, if it celebrated a treaty of alliance with Bolivia in 1873, could not foresee that the Chilian Government would give cause to make that treaty effective against itself; which, if it has made certain warlike preparations, has given them no other shape than the most insignificant form of precaution that the fears for its own safety called for, fears too well founded, unfortunately, as proved to-day; the Peruvian Government, in fine, which up to the last moment has done everything to avoid war, acknowledges the notification of the termination of the mission of peace of his excellency Señor Godoy.

The public conscience of every nation which has already published its irrevocable judgment, condemning the violations of the law of nations committed by Chili in causing the dismemberment of the territory of an American nation, will, it is to be hoped, show itself propitious to Peru in the war declared against her. Above all, the entire nation will duly support its government.

The undersigned concludes this communication by remitting to his excellency Señor Godoy the passport asked for, repeating once more, as he has the honor to here do, the sentiments with which the subscribes himself, your excellency's most obedient servant,

MANUEL IRIGOYEN.

[Inclosure 4 in No. 329.]

Mr. Gibbs to Mr. Irigoyen.

No. 108.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, April 7, 1879.

I have the honor to acknowledge the receipt of your excellency's circular note of 5th instant, with an inclosed copy of the official journal containing the correspondence with the late minister of Chili, at this capital, in which that country declares war against Peru.

Your excellency has been pleased to state that in due time the Government of Peru will make an exposition of the conduct observed by it since the initiation of the Chilian-Bolivian question, and the motive that has guided it; in the mean time, the said diplomatic correspondence is submitted to me to be forwarded to my government, so that it may receive due appreciation.

I have to inform your excellency that I greatly regret the occasion that gave cause for the communication, and I am assured that my government will receive the information of this conflict between sister republics with unfeigned sorrow and deep feeling.

I improve, &c.,

RICHARD GIBBS.

[Inclosure 5 in No. 329.]

[From the South Pacific Times, Tuesday, April 8, 1879.]

THE SECRET TREATY BETWEEN PERU AND BOLIVIA.

The Peruvian minister of foreign affairs, Señor Manuel Irigoyen, and the envoy extraordinary and minister plenipotentiary of Bolivia, Señor Serapio Reyes Ortiz, having agreed to publish the secret treaty of defensive alliance celebrated between their respective governments on the 6th of February, 1873, in accordance with the terms of the additional article appended to the said treaty, the same has now appeared in print and the following is a translation:

[Translation.]

ADOLFO BALLIVIAN, Constitutional President of the Republic of Bolivia:

Inasmuch as, between the Republics of Bolivia and Peru, represented by their respective plenipotentiaries, there has been celebrated in the city of Lima on the 6th day of the month of February of the present year, the following:

TREATY OF DEFENSIVE ALLIANCE.

The Republics of Bolivia and Peru, desirous to cement in a solemn manner the bonds that unite them, to increase thus their strength and mutually guarantee one another certain rights, have drawn up the present treaty of defensive alliance; to which end, the President of Bolivia has invested with ample powers to conduct the said negotiation, Juan de la Cruz Benevente, envoy extraordinary and minister plenipotentiary in Peru, and the President of Peru has conferred the same upon José de la Riva Aguero, minister of foreign affairs, who have agreed upon the following stipulations:

ARTICLE I. The contracting parties will unite and join to mutually guarantee their independence, sovereignty, and the integrity of their respective territory, binding themselves by the terms of the present treaty to defend themselves against all foreign aggressions, whether proceeding from another or other independent state, or from a force without a flag, owing obedience to no recognized power.

ART. II. The alliance will become effective to protect the rights expressed in the preceding article and particularly in cases of offense consisting:

1st. In acts tending to deprive either of the contracting parties of a portion of their territory, in order to assume dominion over it; or to yield it to another power.

2d. In acts tending to oblige either of the contracting parties to submit to a protectorate, sale or cession of territory, or to establish over it any superiority, right, or pre-eminence whatsoever, which may injure or offend the full and ample exercise of its sovereignty and independence.

3d. In acts tending to do away with or change the form of government, the political constitution or the laws that the contracting parties have made, or may in future make, in the exercise of the sovereignty.

ART. III. As both the contracting parties admit that every legitimate act of alliance is based upon justice, for each of them respectively, the right is established of deciding whether the offense inferred to the other is comprised amongst those mentioned in the preceding article.

ART. IV. The *casus fœderis* once declared, the contracting parties bind themselves to cease immediately their relations with the offending state; to hand their passports to its diplomatic ministers; to cancel the appointments of the consular agents; to forbid the importation of its natural and industrial products, and to close their ports against its ships.

ART. V. The same parties shall also appoint plenipotentiaries to adjust by protocol the arrangements necessary to determine upon the subsidies, the contingents of either sea or land forces, or the aid of whatever kind that must be lent to the republic which has received the offense; the manner in which the forces are to act and the assistance to be lent, and whatever else may be convenient for the defense. The meeting of the plenipotentiaries will take place in the place assigned by the offended party for that purpose.

ART. VI. The contracting parties bind themselves to provide the one offended with the means of defense of which each may consider it can dispose, though the arrangements pointed out in the preceding article may not have taken place, provided that they consider the case urgent.

ART. VII. The *casus fœderis* once declared, the offended party will not be able to make arrangements for peace, truce, or armistice without the concurrence of the ally who may have taken part in the war.

ART. VIII. The contracting parties bind themselves in addition:

1st. To employ with preference, whenever it is possible, every conciliatory measure in order to avoid a rupture or to put an end to the war, holding as the most effective the arbitration of a third power.

2d. Not to admit nor accept from any nation or government protectorate or superiority that may injure and lessen their independence or sovereignty, and not to yield up nor transfer in favor of any nation or government any part whatsoever of their territories, excepting in the cases of better demarkation of limits.

3d. Not to celebrate treaties of limits, or of other territorial arrangements, without the other contracting party first knowing of the same.

ART. IX. The stipulations of the present treaty do not extend to acts performed by political parties or the result of internal disturbance independent of the intervention of foreign governments; inasmuch as the principal object of the present treaty of alliance being the mutual guarantee of the sovereign rights of both nations, none of its clauses must be interpreted in opposition to its primary end.

ART. X. The contracting parties will, separately or collectively, when by subsequent agreement they may consider it convenient, solicit the adhesion of another or other American states to the present treaty of defensive alliance.

ART. XI. The present treaty will be exchanged in Lima or in La Paz, as soon as it is legally perfected, and will remain in full force on the twentieth day after said exchange takes place. Its duration shall be for an indefinite period, each party reserving

to itself the right of considering it as no longer existing when such shall be thought convenient.

In such a case the party desiring to annul the treaty must notify the other party of same, and the treaty will no longer have effect on the elapse of forty months from such notification.

In testimony whereof the respective plenipotentiaries signed it in duplicate and sealed it with their private seals.

Done in Lima on the sixth day of the month of February, one thousand eight hundred and seventy-three.

JUAN DE LA CRU BENAVENTE.
J. DE LA RIVA AGUERO.

Here follows an additional article which provides that the treaty shall be kept secret as long as both parties by common accord shall not deem its publication necessary.

The treaty having received the approbation of the extraordinary assembly of Bolivia and been confirmed and ratified by the then President of that country, Señor Adolfo Ballivian, was formally exchanged between the two parties, represented by their respective ministers, in the city of La Paz, on the 16th day of June, 1873.

The Peruvian Congress gave its approbation to the treaty on the 22d of April of the same year, and notified Señor Pardo, at the time President of Peru, of same on the 30th of the same month and year, who thereupon ratified it.

No. 155.

Mr. Gibbs to Mr. Evarts.

No. 330.] LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, April 9, 1879. (Received May 5.)

SIR: Referring to dispatch No. 326, of 2d instant, informing the Department of the declarations of war by Chili against this country, I will now relate what has taken place since that date.

On the 5th instant telegrams were received of the arrival of the Chilian fleet off the port of Iquique, the great nitrate deposit of Peru. Great excitement took place, as it was known that a division of the Peruvian army had lately landed there, but the place is defenseless against iron-clads. The Chilian admiral gave 24 hours' notice, but up to the present no bombardment has taken place.

Private commercial dispatches have been received stating that the Chilian commander gave ten days' notice for all neutral vessels to leave and suspending all loading and discharging. I have information of four American vessels being there in port.

More Peruvian troops have been sent, which landed at Pisagua, a few miles north of Iquique; also other forces, with batteries, have arrived at Arica still further north.

Great enthusiasm has been shown by all classes and nationalities in Lima.

Subscriptions in large amounts coming from every part, and large amounts subscribed by wealthy men and associations to be made monthly during the war.

On the reception of the news of the blockade of Iquique, the Chilian minister, Mr. Godoy, who had closed his legation and deposited the archives with the British minister, with whom he was staying, for reasons unexplained left on the night of the 5th instant, and took refuge aboard of the United States steamer Lackawanna, where he still remains, but I understand will go to Panama to-morrow.

I received a cablegram from Consul Merriam at Iquique to-day at 3 p. m., stating that the Pensacola, Admiral Rodgers, had arrived there,

of which I informed Captain Chandler, of the Lackawanna, by telegraph to Callao.

The iron-plated vessels and monitors of the Peruvian navy are still at Callao, but will be ready in a few days. Two of their wooden ships, Union and Pilcomayo, have left with extra crews on a secret mission.

I am, &c.,

RICHARD GIBBS.

No. 156.

Mr. Evarts to Mr. Christiancy.

No. 4.] DEPARTMENT OF STATE,
Washington, April 9, 1879.

SIR: Mr. Gibbs's dispatch No. 317, in relation to the approaching conflict between Chili and Bolivia and the attitude of Peru with respect thereto, has been read with interest. No explanation was necessary on Mr. Gibbs's part for advising the Department of whatever might come to his knowledge respecting the warlike situation of the neighboring republics, even though that to which he was accredited was not an actual party to the dispute.

The position of Peru in relation to the struggle now reported as having been inaugurated is one of considerable interest. The latest news represents that the Peruvian Government has decided to maintain an attitude of strict neutrality. It is sincerely hoped that this decision will be successfully observed, for, besides restricting the arena of the deplorable strife between peoples of one blood, the pacific course of Peru makes her a notable example, and it may be a directly potential agent in the interest of the speedy restoration of peace, so earnestly to be hoped for.

I am, &c.,

WM. M. EVARTS.

No. 157.

Mr. Christiancy to Mr. Evarts.

No. 6.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 29, 1879. (Received May 27.)

SIR: For your information as to the causes and objects of the existing war between Chili and Peru, I transmit herewith certain papers bearing upon the question.

No important intelligence in reference to the military operations has been received since my former dispatches.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 6.—Translation.]

THE ALLIANCE WITH BOLIVIA.

[South Pacific Times, Saturday, April 26, 1879.]

The following decree has been issued:

Mariano I. Prado, President of the Republic, considering:

First. That by the treaty of the 6th of February, 1873, the Republics of Peru and Bolivia are solemnly bound to mutually guarantee one another their independence and sovereignty, and also the integrity of their respective territories.

Secondly. hat the insult offered by Chili to Bolivia by the occupation of the 23d

and 24th degrees of that country's sea-coast, under the pretense of revindicating their own, is equivalent to an attack on the said rights of Bolivia, and is expressly pointed out in the first portion of the second article of the treaty referred to as the chief and principal cause why the alliance should come into force.

Thirdly. That the envoy extraordinary and minister plenipotentiary of Bolivia, on a special mission, has requested, by order of his government, the declaration of the *casus fœderis*, and the consequent bringing into effect of the said treaty; and that Peru has endeavored by every conciliatory measure possible to keep the peace between the republics in question, first interposing her good offices and afterwards offering her mediation in due form, whose only result has been the declaration of war made by the Government of Chili against Peru:

I decree—

The Republic of Peru decrees the *casus fœderis* mentioned in the treaty of the 6th of February, 1873, with Bolivia has arrived; and consequently the time has come when the alliance must come into effect and all its stipulations.

The respective ministers of state are encharged with the issuing of the necessary orders for the faithful and exact fulfillment of this decree, and of making it known and published.

Given in the Government House of Lima this 6th day of April, 1879.

MARIANO I. PRADO.

MANUEL IRIGOYEN.

[Inclosure 2 in No. 6.]

Note from the Chilian Government to the Peruvian minister, granting him his passport.

MINISTRY OF FOREIGN AFFAIRS,
Santiago, April 2, 1879.

SIR: The reply given to the Chilian envoy in Lima a few days ago by your government, that it could not observe neutrality in our present conflict with Bolivia because there existed a treaty of defensive alliance between them—which is the same that you read to me in the conference held on the 31st ultimo—has forced this government to the conclusion that it is impossible to maintain friendly relations with Peru.

Considering the assurance you gave me in the first conference we held on the 17th ultimo, in reply to my interrogation whether such treaty existed or no, that you had no knowledge of it; that you believed it had no existence, and that it could not have been approved by the Peruvian Congress of 1873 (when it was said to have been approved), and much less in the succeeding years, when you formed part of the diplomatic commission; considering this assurance, I repeat, my government sees that yours, as well as yourself, in denying this treaty, have placed yourselves in an exceedingly irregular position.

My government is surprised to learn that that of Peru projected and signed that treaty at the time that it professed sentiments of cordial friendship towards Chili.

To this secret transaction, in which the strictest reserve was stipulated, the Government of Chili replies with the fullest frankness, declaring that its relations with that of Peru are broken, and that it considers it belligerent, in virtue of the authority to that effect received to-day from the high authorities of the state.

In forwarding you your passports, I have to assure you that the proper orders have been issued, in order that you and the *personnel* of the permanent legation of Peru may receive all due consideration and facility in returning to your country.

With sentiments of distinguished consideration, &c.,

ALEJANDRO FIERRO.

[Inclosure 3 in No. 6.]

OPENING OF CONGRESS.

Message of the President of the republic.

Shortly after two o'clock on the afternoon of the 24th, Congress was formally opened.

The following is a translation of the message of his excellency the President of the republic to the special Congress of 1879.

Honorable Representatives:

At a time when the sentiment of confraternity seemed to be most deeply rooted in the heart of America, the fruit not only of the identity of origin of its nations, and of

the glorious traditions which form their modern history, but also the offspring of mutual convenience, very grave and important events, brought about most abruptly by the Chilian Government, have startled our repose.

After the unanimous cry of indignation uttered throughout the entire continent, when the agents of the Spanish Government attempted to revive the deeds of the time of its famous conquests, after the outburst of brotherly feeling which united all the South American republics to one another to protest solemnly against acts odious to all laws which civilized nations have laid down as rules of government, it appeared impossible that those very nations should have recourse to arms without previously employing all rational methods of conciliation, without observing the forms which give to war the character of legality, of which the violent aggressions and the hostilities commenced before the enemy, is either notified or prepared to repulse them, are destitute. Such a course of conduct which outrages the precepts of morality by which governments should be guided, and ruins nations by exciting in their midst, under a cloak of patriotism, passionate feelings of hate and vengeance not certainly in accordance with modern civilization nor with the respect ever due to any people, whatever their class and status, nor is it such as should be adopted by generous nations who confine their destinies to the manifest justice of their cause rather than to the employment of brute force.

Peru and her government were rejoicing the more to see the nations of this continent cementing closer, day by day, the bonds by which they are united by nature, since she observed the willingness with which they all received and realized the idea of assimilating their laws, with the object of giving unity and conformity to their interests, moral as well as material; and doing away with unimportant matters the odious distinction born of the word "foreign," a word which should be banished from amongst the citizens of South America. To these useful and important labors would doubtless have succeeded others, tending to produce in as great a degree as the peculiar conditions of each State would permit of, the same benfits that were looked for from the unity of the principles of internal law.

Peru has so far entertained these laudable desires that, whenever she has had cause to fear the least interruption taking place in the peaceful relations of the other republics, she has hastened to interpose her good offices towards advocating the maintenance of peace and the adoption of whatever measures that were conducive to that end.

The Peruvian Government has always possessed the profound conviction that the disasters which a state of war brings on in all the nations of the universe, and especially in those newly formed, which need to employ all their vigor, means, and activity in consolidating their institutions and in acquiring that moral force which places nations in the first rank of their fellows, giving them *prestige* and glory, can alone be acceptable when the independence of States is menaced or their dearest interests involved.

If unfortunately the heroic deeds of the days of independence, and after them the different principles which have been the cause of political events more or less turbulent, have delayed the prosecution of those ideas, there exists without doubt an inexplicable virility which, when exercised in the cause of peace, opens the door to the development of all the elements of rational prosperity.

The actual contest between Bolivia, Peru, and Chili, the preconceived work of the cabinet of Santiago, has not failed, therefore, to affect most deeply the minds of the nations of this continent; and all the more so, since all nations, with that providential intuition with which they are gifted, see, or rather feel, that the occupation of Bolivian territory by Chilian forces is a positive usurpation, taking into consideration the attendant circumstances, and is an act of a nature opposed and repugnant to the commonest dogmas of law and justice, and also that the war declared against Peru, on account of suppositions more or less whimsical, has not in its favor a single argument to support it.

In truth, neither the ostensible reason of the measures taken, nor the questions at issue, authorized an attack which is as unjustifiable as it is odious.

To revindicate one's right to territory which has always been in possession of another country, and recognized as such by solemn treaties, has no other meaning than the setting about a conquest, taking advantage of the debility of the offended country. The abrupt and motiveless declaration of war against Peru is nothing less than a preconceived plan, whose aim is to take possession of a long-coveted piece of territory.

The conflict arisen so suddenly between the Republics of Bolivia and Chili gave rise to the necessity of convoking you to special sessions, in order that, duly appreciating the importance of the causes which induce the same and the tendencies they display, you may determine upon the line of conduct which the government should pursue under such difficult circumstances; and, taking in the true situation in which we are placed, that you may adopt such measures as you may deem convenient.

Meanwhile, without the remotest imagination that a declaration of war would be the reply to our generous mediation for the maintenance of peace between the con-

tending parties, the government, interpreting the sentiments of the country as expressed in all classes of society, and ardently desirous of preventing a bloody strife between two sister republics, hastened to put its good offices at the disposition of the cabinet of Santiago; our chargé d'affaires having attained a promise from the President of the republic that no definite steps would be taken without his knowledge.

Notwithstanding this, the Chilian Government caused its military forces to occupy the port of Antofagasta, dislodging the Bolivian authorities and hoisting their own flag over its buildings, with the intent to "revindicate" that territory.

The Chilian press, revealing the hidden views of the government, allowed it to be understood from the very first that the occupation of Antofagasta was the preliminary step to making war against Peru. The violence of their warlike proceedings; the secrecy observed with our chargé d'affaires, notwithstanding the promise to hide none of their proceedings from him; the frequent and offensive manifestations of the popular assemblies, tolerated in spite of the good relations then existing between the two countries; the numerous forces sent to Antofagasta; the concentration of the Chilian squadron in that port, and the works of fortification commenced there, allowed it to be clearly seen that the operations were in reality directed against Peru, since the hostilities with Bolivia, a country not possessing a navy, did not call for the necessity of maintaining a fleet and army in Antofagasta, nor for the erection of harbor fortifications there.

Notwithstanding the significance of all these proceedings, the Peruvian Government, with a lively interest in the maintenance of peace between the South American Republics, and faithful to its traditions, again offered its mediation and appointed a minister plenipotentiary near the cabinet of Santiago, in order that the two republics, yielding their mutual pretensions, might submit the settlement of their differences to arbitration, in accordance with the terms of the treaty entered into between them in 1874. The negotiations, undertaken in the best faith by our plenipotentiary, Don José Antonio Lavalle, far from persuading the Chilian Government to desist from its views, caused it to abruptly break off its relations with us, under various frivolous pretexts, to declare against us a war completely unjustifiable from all points of view, and to set about immediately instituting every species of hostilities, blockading, bombarding, and burning our defenseless ports in the south.

Our military preparations, the dispatching of Peruvian troops to the department of Tarapacá, and the existence of a secret treaty of defensive alliance, are the motives which have contributed to apparently make Chili doubt our desires for peace, and to cause her to look upon us as belligerents in her quarrel with Bolivia.

The falseness and inefficiency of such motives are apparent to all. Immediately upon difficulties arising between Chili and the Argentine provinces, my government, faithful to the duties which the love of peace and the desire for the progress and prosperity of the South American nations impose upon it, proffered its good services, in order that both countries should settle their dispute in an amicable manner, and avoid the misfortunes attendant upon a war, and having acted in the same way as soon as it knew of the question with Bolivia, Chili could not doubt our good faith, and still less so, since I myself, then a friend of Chili—I, who, in my public or private capacity, have never practiced duplicity either with men or nations—had the honor of being at the head of the Government of Peru, directing the diplomatic negotiations.

The illegal act of Chili in invading Bolivia, and taking possession of territory which did not belong to her, and the accumulation of war materials on a large scale in Antofagasta, suggested the entertainment of hostile views against Peru, and prudence counseled us to put ourselves in a position to defend, if necessary, the honor of the nation and the integrity of its territory. This circumstance satisfactorily explains our military preparations and the forwarding of troops to the southern frontier. An armed neutrality has never been a cause of offense to other nations at war with one another. The treaty of defensive alliance entered into with the Republic of Bolivia could have been no motive for supposing that the Government of Peru was acting with bad faith towards Chili; since that treaty, which might well have been subscribed to by Chili herself, and whose sole object is to assure the independence, sovereignty, and integrity of the territories of the contracting parties, impose upon Peru the obligation of employing with preference, when feasible, every conciliatory measure possible in order to avoid a rupture or prevent a war, should the rupture have taken place, holding as the most effective of those measures the arbitration of a third power. In fact, the treaty itself, which does not call upon the ally to declare war, justified the good offices of Peru, and was a guarantee for the good faith of her irreproachable conduct.

Notwithstanding the instances of the plenipotentiaries of Bolivia, my government, faithfully fulfilling the duties which the character of mediator imposed upon it, flatly refused, not only to bring the treaty into effect, but also to supply the arms and other aid which Bolivia asked of it.

Neither the military preparations which prudence dictated, nor the movements of troops called for amongst other reasons, by the peculiar conditions of the department of Tarapacá; nor the treaty of defensive alliance, whose existence, if it remained offi-

cially secret in accordance with one of its stipulations, was not unknown to the plenipotentiary Señor Godoy, nor to the members of the Chilian Government; not one of these circumstances, or all of them combined, are sufficient to excuse the conduct of that nation, nor justify the violent and illegal aggression which has broken off at one blow the relations existing between nations who have fraternally shared together the benefits of peace, the calamities of war, and the luster of glory.

The Republic of Chili has declared war against us because the Government of Peru endeavored to prevent that which had arisen between that country and Bolivia; and Peru has accepted it with the high and generous enthusiasm which characterizes her on great occasions; with the enthusiasm inspired by justice, the precursor of victory.

The doing away with the old territorial boundaries, in obedience to interested and avaricious motives, is a pretension bordering upon impossibility, because neither Peru nor the other South America States could consent to it without compromising the integrity of their respective territories; and the force of this consideration manifests clearly that the war declared against us is devoid of political or social motives which can be adduced in its support.

Since the efforts for the preservation of peace have proved fruitless; since Chili, who has taken up arms with the sole intent to attack us, going so far as to offer her material and moral aid to the Bolivian commanders in case they should attempt to take possession of the old department of Moquegua; since Chili, I repeat, is satisfied with nothing but war with Peru; since, giving the lie to her boasted good sense, she has madly thrown herself into the fields of battle, Peru will also march to them, as suits her offended dignity and the valor of her army and navy.

It was sufficient that Chili should proclaim the war, in order that Peru should rise as one man to place at the disposal of the government the lives and fortunes of her sons. Peru is presenting to all civilized nations the most beautiful and touching spectacle of patriotism. If the treasury was empty, her citizens have striven for the honor of refilling it; if the army and navy were reduced to the limits which the law assigns for a state of peace, to-day all are soldiers, ready to sacrifice themselves on the altar of their country. Peru, face to face with her gratuitous enemy, will avenge the insult so treacherously offered her.

Legislators: I convoke you to special sessions in order that you may decide upon the conduct which it would have been the duty of the government to observe in view of the war between Bolivia and Chili, but unlooked for events have happened, which simplify your mission. We are at war with Chili, and it is your duty to dictate the measures which you may deem best in order to assure the triumph of our arms, jointly with the honor and glory of the country.

May Divine Providence assist you in your deliberations.

The sessions of the special Congress of 1879 are now declared opened.

MARIANO I. PRADO.

LIMA, *April* 24, 1879.

[Inclosure 4 in No. 6.]

Reply of his excellency the President of the Congress, Dr. José Antonio Garcia y Garcia.

CITIZEN PRESIDENT: It is, perhaps, the first time that the representatives of the nation listen to the authorized voice of the head of the State, under the influence of feelings so opposed and so painful as those which in this solemn moment dominate their spirits.

The certain knowledge that, along with the entire country, the delegates in parliament possess of the premeditated conduct of Chili in her relations with Peru; the suspicion and astonishment which the accumulation of hasty and intemperate acts signalizing the policy of that country, in the continuous changes of great American interest, has not failed to awaken in their minds; and the indignation naturally begot in upright and high-principled minds by the deliberate transgressions of the rules which serve as law to States, and guarantee, consequently, the maintenance of justice as the common and necessary principle to guide their mutual relations—in a word, every one of the acts practiced, which, in the order of principles and deeds, has wounded the sentiment of national dignity and profaned the rigid dictates of law and reason, and whose authenticity and details you have proved with the clearest testimony in your important message, could not but call forth in the bosom of the legislative chambers the grievous and opposite sentiments of which I have made mention. Once that cruel strife lighted in our spirits, which the sacred fire of patriotism fans, it is doubtless, Citizen President, that it would lead us to the greatest extremes in repressing and punishing such unheard-of crimes were another moral influence to predominate in the national Congress other than that which, until now, has served as a sure and certain guide to the government, and which inspires in the entire nation the

highest sentiments. But it is not so, most excellent sir; in the legislative body, as in the government and the people, the sentiment of justice and their own dignity, the knowledge of their duty, the sacred respect for the rights of others, and an absolute confidence in their power to chastise all rash aggression, as well as the outrageous offenses to the beloved flag of our country, happily rise superior to the bursts of anger and the impatient feeling which, far from denoting strength and reason, betrays debility or pitiful irregularities.

The calm, correct, and dignified exposition which you have given of the historical antecedents of the unjustifiable, and, therefore, ignominious war which Chili has declared against Peru, will allow the national assembly to duly appreciate by the light of same, and with the aid of the papers which the minister of foreign affairs will in due time lay before it, the prevision, the correct judgment, and the patriotic zeal displayed by the executive, as well in the praiseworthy end to avoid the disasters of a war between sister nations and allies of Peru, as to maintain with proper splendor the principle of good confraternity as the indissoluble link of happy union between the republican States of the New World.

The same notable document will, I am convinced, convey to the mind of the entire nation, and to the governments not affected by these events, the intimate persuasion that if the efforts of Peru to maintain the peace between Bolivia and Chili have not alone been of no avail, but, what is truly surprising, have been replied to by the most offensive and senseless threats, the work of evil is the exclusive work of Chili and the result of the long-cherished and iniquitous plan to disturb the repose and sully the splendor, not of Bolivia, but of Peru alone, the country which the hand of Providence has seen fit to shower its favors upon, and the growing development of whose riches, knowledge, power, and legitimate influence in the continent of South America Chili has ever desired and to-day strives to arrest.

Profoundly true are your words, Citizen President, when you state that Peru is offering a most beautiful and touching spectacle to all civilized nations; for, in reality, most excellent sir, there is nothing greater, more beautiful, or sublime than the resolution and energy with which the Peruvian nation, without excepting the last of her sons, has risen as one man, full of ardor and vigor, to assist the public authorities with their lives and fortunes in the glorious task of saving the honor and dignity of the republic in the fratricidal war to which Chili has provoked her.

In this redeeming work, in this most noble and patriotic labor, the legislative body, I can declare in their name, most excellent sir, will know how to rise to the height of their mission. Your suggestions, your proposals, the initiative of the government in one word, as also that of the representatives in all relating to the defense of the country and the triumph of her arms, will find in these chambers a ready acceptance and the solution most favorable to the well-defined interests of our cause.

Peru, who has fulfilled a noble and disinterested duty towards the people of Bolivia without being wanting in the considerations due to Chili, will also comply with, to her own honor and glory, the obligation which she has imposed upon herself of triumphing. Divine Providence, whose aid we invoke with you, Citizen President, ever concedes the victory to the cause of justice, which is manifestly our own cause; we shall conquer, therefore, because our triumph as a necessary law of moral order is plainly the will of that Providence.

No. 158.

Mr. Christiancy to Mr. Evarts.

No. 7.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 29, 1879. (Received May 27.)

SIR: On the 26th instant I signed with the British, French, and Italian ministers, and the German chargé d'affaires, a document addressed to the officer in command of the Chilian fleet on the Peruvian coast, of which I inclose you a copy.

The document as at first drawn up and presented to me assumed the truth of the reports contained in the newspapers, in reference to the action of the fleet, and the British minister assured me that the official information he had from the British consuls at the various places along the coast fully justified the statements referred to in the document. But as I had no official information, except from our consul at Iquique,

which exhibited the transactions there in a somewhat less flagrant light, I declined to join in the document, unless so altered as not to assume or assert the truth of the statements referred to, believing it to be in the interest of humanity, as well as for the interest of our own citizens along the coast who are the great sufferers by the war. And it seemed to me to be wise as a precautionary measure to put our citizens in as favorable a position as possible to claim damages for any violation of neutral rights.

The truth is, that most of the damages done and likely to be done along the coast in this war will fall upon neutrals, much the larger share of the heavy business in the coast towns being carried on by foreigners. And no nation, as it seems to me, is more interested than our own in maintaining a high standard of neutral rights.

I am responsible for the assertion in this document of the principle of declaring the duty of belligerents towards neutrals, it having been suggested by me and readily approved by all the other ministers signing the document.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 7.]

The ministers of France, United States, England, Italy, and Germany to Rear-Admiral Williams Robolledo, commander-in-chief of the Chilian squadron.

ADMIRAL: The undersigned, though desirous of preserving the strictest neutrality in the war now being carried on between Chili and Peru, consider it also their bounden duty to protect, as far as possible, the interests of the subjects and citizens of their respective countries.

The undersigned are perfectly aware that neutrals residing in a belligerent country must, to a certain extent, submit to many risks similar to those sustained by the natives; but they cannot admit that a belligerent has any right wantonly to destroy the property of neutrals, or to put them in peril of their lives.

The undersigned would remind your excellency that it is a principle of modern warfare not to destroy unfortified commercial towns, nor to fire into any peaceful community, without affording neutrals and non-combatants the time necessary to withdraw not only themselves but their personal property out of reach of the fire of the attacking belligerent.

Should this principle be or have been neglected, the undersigned may add that their respective governments will be entitled to hold the Government of Chili responsible for all losses to which their subjects or citizens may have been subjected.

According to the information we have received, but without wishing to decide as to the exact facts, it would appear that the commander of the Chilian iron-clad, the Admiral Cochrane, in reply to some rifle-shots discharged upon his boats, which were engaged in destroying the property of the inhabitants, suddenly opened fire with shot and shell on the large commercial town of Mollendo, inhabited by thousands of unoffending people, both foreign and Peruvian.

In Pisagua the course pursued is stated to have been even more regrettable, as, after a skirmish between the Chilian boats engaged in destroying trading launches, and the soldiers on the beach, the Chilian squadron opened fire upon this purely commercial town without any previous notice, and did not cease firing until nine-tenths of the houses were laid in ashes, with immense loss to neutrals, as at least two-thirds of this loss will fall on foreigners.

It will be the painful duty of the undersigned to draw the attention of their respective governments to these bombardments of unfortified commercial towns, and to the heavy losses thus unnecessarily inflicted on neutrals.

They consider also that they are but fulfilling a distinct duty in thus drawing your excellency's attention to the opinion they have formed of the proceedings of the Chilian squadron in Mollendo and Pisagua, and in a lesser degree at Iquique.

Accept, admiral, the assurance of our high consideration.

(Signed by the ministers of France, United States, England, Italy, and Germany.)

No. 159.

Mr. Christiancy to Mr. Evarts.

No. 13.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 12, 1879. (Received June 9.)

SIR: I have the honor to acknowledge the receipt of your dispatch to me (No. 145, series of dispatches to my predecessor) in reply to that of Mr. Gibbs, No. 317.

You will have seen by the dispatch of Mr. Gibbs of April 2, No. 326, as well as mine since that time, that prior to the date of your dispatch Peru had become a party to the war, Chili having declared war against Peru.

On looking over the dispatches of my predecessor I find that he had given you a very correct and clear statement of the causes which led to the war. But aside from and back of all avowed causes of hostility between Chili and Peru, it is not difficult to discover a bitter prejudice and traditional animosity, originating with the conquest of Peru and Chili between the Pizzaros and the Almagros, a feud which resulted in the mutual extermination of both these families of butcher "conquistadores," the retributive justice of which result will be equally accepted by the verdict of history, whether attributed to the working out of natural laws or to the dispensation of Providence, but the beneficence of which, to the present limited scope of human vision, would have been more apparent had it been accomplished before these monsters had been permitted to land on the shores of the new world to extinguish a civilization more humane than their own, and to destroy (at least in Peru) useful improvements which the conquering race have never been able to equal or replace. (Pardon this long digression, which perhaps may be improper here, and strike it out.)

But little progress has been made in the prosecution of the war since my former dispatches, except in the raising of troops, which goes vigorously on. Chili thus far appears to have command of the sea, and it is the opinion of Rear-Admiral Rodgers, and seems to be the general opinion, that the Peruvian fleet is not able to meet it with a fair chance of success.

The Chilian fleet has completely put an end to the shipping of guano and nitrates, both held as government monopolies until now, and worked by neutrals on government account, the proceeds of which constituted the principal source of public revenue.

The same fleet has bombarded some of the small towns along the southern coast, and established a blockade, which, however, is not kept up by the presence of an adequate force. They have also cut the cable, first at Iquique, and a few days past at Arica; and now, as the papers report, prohibited the sending of messages in cipher by the cable over which they have control by any parties but the officers of their government.

Many of the operations of the Chilian fleet have probably been carried on, in part at least, for the purpose of provoking the Peruvian fleet to come out from the harbor of Callao and meet them on the open sea, away from the protection of the powerful forts and batteries by which this port is protected.

The Peruvians have been constantly repairing, strengthening, and fitting out their fleet, and there are now some indications of their undertaking some enterprise at sea.

While matters remain in their present condition upon the water there

is very great difficulty in bringing the opposing land armies near enough to each other to inflict any injury upon either. The desert of Atacama separates them, and it is very difficult, if not impossible, to transport an army or its supplies across it. This difficulty, while the Chilians dominate the sea, operates most injuriously upon Peru and Bolivia; as from the nature of the country between the Andes and the sea, and that in the interior among or between the two ranges of Andes the march of armies and the transportation of supplies are necessarily tedious.

The great need of Peru, especially, seems to be fast-sailing steam transports to carry her land forces, now concentrated here and at Callao, to the seat of war without being liable to be captured by the Chilian fleet. To supply this need Peru has recently purchased from the Pacific Steam Navigation Company the steamers Cosmo and Oroya, and there are indications that one (if not both) of them is preparing for leaving port.

In the meantime the delay in taking the offensive and making their army actively efficient seems to have produced a feeling of impatience and charges of incapacity against the Peruvian Government much like those which prevailed in our own war just previous to the battle of Bull Run; and the government will be compelled soon to make a forward movement of some kind or lose the confidence of the people, the great masses of whom are ignorant and impulsive, and easily lead by demagogues or ambitious aspirants into any revolutionary movement, and Pierola, the champion and favorite of the Church party, is probably ready to avail himself of the first favorable occasion to seize the government. If the present government should meet with any great reverse, or even if it should remain much longer without striking some effectual blow, I should not be disappointed to see a violent and sudden change in the government, and Pierola at its head—a change which I fear would be unfortunate for Peru—but they must be allowed to test the experiment for themselves, if they see fit.

In the mean time the effect of the war upon the finances has been most disastrous. Government paper, which is practically the only currency known here, and had sunk to less than 50 per cent. of its nominal value before the war, has been sinking very rapidly since. The greatest reliance for its redemption was upon the guano and nitrates, and these being cut off at the same time that immense expenditures are called for for the support of the war, it is difficult to find methods of keeping up the public credit or supporting the operations of war.

The citizens have in great numbers enthusiastically tendered a large proportion of their wealth to support the war. But help from this source will be but temporary or not in sufficient amount, though the war is popular with all classes.

The plan which seems just now most likely to be adopted by the government is that of issuing 8,000,000 of paper soles, in addition to the 17,000,000 already out.

Under the influence of all these causes the paper sole (whose nominal value was equal to five francs in silver) had, when I arrived here a month since, so far depreciated that it was worth slightly less than 20 pence in exchange on London, which consisted of drafts at 90 days sight, equal to 120 days date, and to-day the paper sole is worth in that kind of exchange only 16 pence, and even a little less. The American double eagle will, for limited amounts of a few thousand dollars, to-day purchase from 58 to 60 soles paper.

The effect upon neutral shipping, especially that engaged in the shipment of the guano and nitrates, has been still more disastrous, nothing short of ruinous. The whole business is utterly destroyed. The loss

falls heaviest, it is true, upon British ship-owners, most of these products being shipped to that country; but a large number of American ship-owners were engaged in the same trade, under charter-parties taken from an English company, describing themselves as agents of the Peruvian Government, by which the owners were made to assume all the risks of war. Some of these had part of a cargo on board, some waiting to begin loading; but all compelled to leave, and the works destroyed.

The government seems to wish to act in entire good faith, and gives notice that all these vessels may abandon the contract with the government or wait till the government can open other deposits, which they are attempting to do; that any vessel partly loaded may proceed to deliver at the port of destination in England what it has on board, or put it on any other vessel for that purpose, &c.; or it may abandon the contract.

Neutral commerce in every form along this coast is suffering severely, and most of the business employing much capital is carried on by neutrals. In short, neutrals are losing more heavily by this war than citizens of any of the belligerents, because they had much to lose and the belligerents very little.

The Government of Peru is doing all it can to encourage neutral commerce. Some days since a prominent member of Congress introduced a measure to prohibit all vessels touching at Chilian ports from landing in Peruvian ports and all touching at Peruvian ports from proceeding to Chili. But the British and French and the Italian ministers and myself contrived, in an informal manner, to suggest that such a measure would conflict with the 18th article of our treaty, and like provisions of the French and Italian treaties, and even with the British, which under a peculiar "favored-nation" clause, gave the same rights as ours. The measure contemplated (by the member) has not been pushed. The government never favored it, and now an act has just been passed by Congress and approved and promulgated by the executive, May 9, which throws open the coasting trade of Peru to foreign vessels on the same terms as allowed to the vessels of Peru, until otherwise ordered by Congress. There is one ground of apprehension felt here, both by Peruvians and neutrals, which probably would not exist anywhere outside of these South American republics, which do not place so much confidence in the public faith of each other as is common in other countries. Peru was drawn into this war in consequence of her treaty with Bolivia, and because the latter when attacked by Chili claimed of Peru the fulfillment of her treaty stipulations. But now a strong and very plausible appeal is made by Chili to induce Bolivia to abandon Peru and join Chili against her, on the ground that it will be more advantageous to Bolivia to despoil Peru of her southern ports, and obtain them, with the rich deposits of guano and nitrate, than to remain as she is. And it cannot be concealed that the more intelligent portion of the people of Peru, and I am inclined to think the government itself, have serious apprehensions least these considerations should prevail with Bolivia.

I send several dispatches by this mail which were ready las week, but which, owing to connections at the Isthmus between the weekly mail on the Pacific with the tri-monthly mails on the Atlantic side, would not have reached New York earlier than by the mail of the 15th instant.

May 13, 1879. Since writing the above the lower house of Congress has, by a decisive vote, rejected the proposition to issue more government paper, and seems now disposed to resort to a loan for $15,000,000, $8,000,000 of which to be applied to the redemption of government currency now outstanding and the balance to meet war expenses.

The two houses have also just resolved, by a vote of 77 to 44, to put on only 2 per cent. *ad valorem* export duty on sugar, and by an absolute majority reject the plan recommended by the Executive for increasing all custom-house duties 25 per cent.

Accept, &c.,

I. P. CHRISTIANCY.

No. 160.

Mr. Tracy to Mr. Evarts.

[Translation.]

LEGATION OF PERU,
Washington, May 15, 1879. (Received May 16.)

SIR: It affords me pleasure to inclose a copy of the treaty* of defensive alliance between Peru and Bolivia, in accordance with the promise made to your excellency at our interview this morning.

I also beg leave to hand you a part of the "Peruano" (the official journal of Peru) of 4th April last, which contains the principal communications that passed between the ex-minister of Chili at Lima, Señor Godoy, and our minister of foreign affairs, Señor Irigoyen, and a note from the latter to Señor Lavalle, Peruvian minister to Chili, all written on the eve of the declaration of war, made in behalf of his government by Señor Godoy, on the 3d of April last. I likewise inclose slips from a newspaper published in English, containing translations of the Peru-Bolivian treaty, and of Señor Irigoyen's reply to Señor Godoy's note declaring the interruption of friendly relations between Chili and Peru and demanding his passports. These translations, although they might be improved, are substantially correct.

The accompanying documents prove that notwithstanding Peru has in good faith done all in her power to avoid this unhappy conflict, the government has finally been forced to accept the challenge of Chili; and whilst most truly deploring the non-success of her loyal efforts to preserve friendly relations with the people of Chili, and to prevent a war between three republics, called for many reasons to live in perfect harmony, she feels convinced that the civilized nations of the world will properly appreciate her position and agree that Peru finds herself engaged in this quarrel solely because her policy has consisted in keeping guard over the maintenance of those fundamental principles of American law that have been openly disregarded by the Government of Chili.

I avail myself, &c.,

JOSÉ CARLOS TRACY.

No. 161.

Mr. Christiancy to Mr. Evarts.

No. 16.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 21, 1879. (Received June 16.)

SIR: I have the honor to inform you that since my last dispatch in reference to the progress of the war, the constitutional President, Gen.

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* For treaty of defensive alliance between Peru and Bolivia of February 6, 1873, see inclosure to Mr. Osborn's dispatch No. 98, dated May 10, 1879, Document 59.

Mariano Ignacio Prado, in pursuance of the consent of congress thereto given, has taken the chief command of the Peruvian army and navy, and on the 16th instant left Callao with the first (of the three) division of the Peruvian fleet, composed of the Huascar, Independencia (iron-clads), and the steam transports Oroya, Chalaco, and Limeña, the three latter carrying a portion of the Peruvian army, the numbers not stated to the public. They sailed south with the intention, as is generally supposed, of landing at Arica and forming a junction with the Bolivian army. They were heard from yesterday at Mollendo by dispatch from that place, and by this time, unless prevented by the Chilian fleet (which by last accounts was part at Antofagasta and part at Iquique), must have arrived at Arica.

In consequence of the President having taken the command in person of the army and navy, General Luis de la Puerta, the first vice-president, has, in pursuance of the constitution, become the President *ad interim* of the republic, and has entered upon the duties of his office, upon which, as is usual in such cases, the members of the old cabinet put their commissions at his disposal, and he has in part completed his cabinet as follows:

General Manuel de Mendiburn, minister of war and navy, and president of the cabinet.

Dr. Don Rafael Velarde, minister of the interior, police, and public works.

Don Rafael de Yzcue, minister of commerce and finance.

Don M. Felipe Paz-Soldan, minister of justice, religion, public instruction, and charity.

To this latter office are also for the present, and until an appointment shall be made, committed the duties of minister for foreign relations. All these appointments seem to be well sustained by public opinion, and the several gentlemen are generally believed to be honest as well as capable men.

With the highest esteem, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 16.—Translation.]

Mr. Yrigoyen to Mr. Christiancy.

LIMA, *May* 17, 1879.

SIR: I have the honor to communicate to your excellency that by a supreme decree of this date his excellency the President of the republic, and using the authorization given him by congress, has assumed the command of the army and navy as its general-in-chief, and that the first vice-president, Gl. Don Luis la Puerta, has taken charge of the Presidency in accordance with the constitution. I take advantage of this occasion, &c.,

M. YRIGOYEN.

[Inclosure 2 in No. 16.—Translation.]

Mr. Paz-Soldan to Mr. Christiancy.

LIMA, *May* 20, 1879.

SIR: I have the honor to communicate to your excellency that his excellency, first vice-president of the republic in charge of the executive power, has accepted the resignation tendered by the members of the cabinet, and that with yesterday's date he has organized a new cabinet, as follows:

Minister of war and marine and president of the council, Gl. Manuel de Mendiburn.

Minister of government police and public works, D. D. Rafael Velarde.

Of finances and commerce, D. Rafael de Yzcue.

Of justice, religion public instruction, and beneficence, the undersigned, being likewise in charge of the department of foreign affairs, whilst his excellency names the one who is to take the office.

In communicating to your excellency the organization of the new cabinet, it is satisfactory to say that in the short time I shall remain at the head of this department it will be highly satisfactory to me to contribute to the maintenance of the good relations that happily exist between the government of Peru and that of the United Sates, at the same time facilitating your excellency in the discharge of your important mission.

I take advantage, &c.,

M. FELIPE PAZ-SOLDAN.

[Inclosure 3 in No. 16.]

Mr. Christiancy to Mr. Paz-Soldan.

LEGATION OF THE UNITED STATES,
Lima, Peru, May 22, 1879.

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your note of the 20th instant, announcing the formation of the new cabinet under the Presidency of his excellency General Don Luis la Puerta, so far as the same had then been completed, of which I have duly made a record in this legation.

I tender to you, and through you to the other members of the council, my most hearty wishes for the success of each and all in the administration of the respective and responsible duties to which you and they have been called.

Please accept, &c.,

I. P. CHRISTIANCY.

[Inclosure 4 in No. 16.—Translation.]

Mr. Yrigoyen to Mr. Christiancy.

LIMA, *May* 23, 1879.

SIR: I have the honor to communicate to your excellency that having received the high confidence of being newly called to the dispatch of the department of foreign affairs by his excellency the first vice-president of the republic in charge of the executive power, I have taken charge of the department since yesterday, when I took the oath required by law.

I have the pleasant assurance of having contributed in all within my power, during the time I have been in charge of this same portfolio, to keep very close and cordial the relations that happily exist between Peru and the United States.

To-day I can assure your excellency that I will work constantly to make those ties more intimate, not doubting that with that object your excellency will deign to offer me the efficient co-operation that you have always afforded me.

It is satisfactory to me to take advantage of this new occasion, &c.,

M. YRIGOYEN.

No. 162.

Mr. Christiancy to Mr. Evarts.

No. 18.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 27, 1879. (Received June 16.)

SIR: Since my last dispatch of May 21 (No. 16), viz, on the morning of the 22d, the Chilian fleet (with the exception of the Esmeralda and Covadonga) appeared off the harbor of Callao and remained for several hours, when, without attempting anything, it sailed for the south, having, as is supposed, learned from some fishermen the previous departure of the first division of the Peruvian fleet (mentioned in my last). Their expedition to Callao had given the Peruvian fleet time to transport in safety a considerable part of their army here, with munitions and

supplies, to the towns along the southern coast of Peru—Mollendo, Pisagua, Arica, and Iquique—and also to transport a part of the Bolivian army from Arica as far as Pisagua, and to form a junction of the Peruvian with the Bolivian army.

Since that time, and while the Peruvian and Chilian fleet were mutually ignorant of the whereabouts of the other, it is reported here, and I think correctly, that the Huascar (Peruvian) attacked and sank the Chilian steam-corvette Esmeralda at or near Iquique; and the steam frigate Independencia, chasing the Chilian Covadonga, and when on the point of reaching her (on her flight for the shore), ran aground or upon a reef, from which it was found impossible to get her off, and she was abandoned and burnt or blown up by the Peruvians themselves.

This is a serious loss to Peru, but does not, in my estimation, overbalance the advantages gained by Peru in this expedition to the south. But this may yet depend much upon what the Huascar may have been able to accomplish before the arrival there of the Chilian fleet, and upon her success in avoiding the Chilian fleet. But, unless she waits too long, she will probably easily evade that fleet, as it is composed of very slow vessels; and some of the Peruvian transports which went south have returned without seeing the fleet.

The effect of the war upon the finances becomes every day more disastrous. Exchange on England is now quoted at 16 pence per sole, and an American double eagle is worth to-day 62 soles.

I inclose a copy of the act of the Peruvian congress passed for the purpose of providing ways and means by loan and taxes. This is taken from the South Pacific Times, but is translated with substantial accuracy.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1, No. 18.—South Pacific Times.—Translation.]

Luis La Puerta, first vice-president of the republic, in charge of the executive power.

Whereas the Congress of the Republic of Peru has given the following law:

ARTICLE 1. Let a national loan be effected for the sum of ten million soles in current money of the republic, at the figure of eighty per cent., and eight per cent. interest per annum, with ten per cent. accumulative amortization.

ART. 2. The service of this loan will be effected at the termination of every quarter, beginning with the quarter expiring on the 1st of October, 1879, and the amortization will be made by lot and at par.

ART. 3. The amortization and interest funds will be guaranteed by the product of the capitation and income taxes, and the tax on the exportation of sugar, sanctioned by the present special Congress, and will also, as a subsidiary guarantee, be assured by the product of such national property as may be of easy appropriation.

ART. 4. The sale of the national property subject to the service of this loan will be effected at public auction, and the payment must solely be made in bonds of the loan authorized by this law.

ART. 5. The loan must be effected within the peremptory term of forty-five days from the date of the publication of this law.

ART. 6. If, at the expiration of the said term of forty-five days, the subscriptions should not cover the full amount of the loan, the actual issue of notes shall be increased in the proportion of the sum wanting to complete the eight millions which the loan will produce.

ART. 7. Let the committee appointed by the law of the 27th January last be empowered to deliver to the executive, in notes of the new issue, the complement of the eight millions to which the preceding article refers, and also to effect the issue and the service of the loan in the proportion subscribed; to which end the funds appointed by this law for said service shall be handed over to them.

ART. 8. The sum of one million eight hundred thousand soles out of the funds for the service of the loan shall be set aside for the payment of amortization and interest

of the same loan, should it be entirely covered. If not, of this amount the necessary sum shall be applied to the service of the loan as far as covered, adding the remainder to the fund of amortization of the fiscal issue.

ART. 9. If the funds set aside by this law for the service of the loan should exceed one million eight hundred thousand soles, the administrating committee shall deliver the excess to the executive.

ART. 10. The two millions of soles in restamped notes, which the associated banks had in deposit for the exchange of the unstamped notes, and which the executive has been authorized to issue by the legislative resolution of the 13th instant, shall be considered as an integral part of the subsidiary issue authorized by this law, which in no case can exceed eight millions. Should the loan be effected in its entirety, the two last millions received will be used for the amortization of the two million of soles in notes referred to in the article.

Notify the executive, &c.

Given in the hall of sessions in Lima on the 17th day of May, 1879.

JOSÉ ANTONIO GARCIA Y GARCIA,
President of the Senate, &c.

Therefore, I order the same to be printed, published, and received as law.

Given in the house of government in Lima this 20th day of the month of May, 1879.

LUIS LA-PUERTA.

J. R. DE IZCUE.

No. 163.

Mr. Christiancy to Mr. Evarts.

No. 20.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 2, 1879. (Received June 25.)

SIR: Though the matter does not strictly pertain to the business of *this* legation, I will take the liberty of calling your attention to the decree of President Daza of Bolivia, dated March 26th last, in reference to neutral vessels and privateers.

It strikes me that this decree, if carried into effect, might seriously conflict with our treaty with Bolivia,—articles 15, 16, and 17.

This decree was not published here until the 16th May, and did not come to my notice until several days after, nor until Mr. Pettis had left here for Bolivia. I presume it has already attracted his attention, but lest it might not, I have called his attention to it by letter.

I inclose a printed copy of the decree in Spanish, and a translation of the same into English.

Accept the assurance, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 20—Translation.]

[From the Lima La Patria, May, 16, 1879.]

DECREE OF PRESIDENT DAZA.

HILARION DAZA, President of the Republic of Bolivia, &c.:

Chili having inaugurated a war against Bolivia, and provoked this by means of a filibustering aggression, and by a violent occupation of our coast by an armed force, breaking two treaties of boundary of a permanent character, the time has arrived to organize maritime hostilities by all legitimate means of defense; to that end having the right and believing it necessary, the issuing of commissions to privateers against the ships sailing under the enemy's flag, against the goods belonging to Chilians, whether contraband of war or not, found under a neutral flag, and for the seizure and

confiscation of nitrates, guano, and products of Bolivian coast which are worked and exported, committing theft and piracy upon the national property, and this protected by the Chilian army.

DECREES.

The following regulations, to which must be subject the captains of privateer ships, with the commissions from the republic in actual war with Chili.

1. The Bolivian privateers are authorized to pursue and capture all Chilian vessels, whether men-of-war, merchantmen, or privateers, found on the high sea or in the waters or ports of the republic, or in the waters or ports of the enemy.

2. The privateers of the republic are prohibited from attacking or exercising any act of hostility in the ports or territorial waters of neutral nations, it being understood by territorial waters, those comprised within the reach of cannon at the lowest tide.

3. The privateers of the republic can seize the cargo of the Chilian merchant vessels, when these do not belong to a neutral, except in case that the goods that compose it are contraband of war destined to the enemy, these are always seizable. If a part of the cargo is contraband of war and the other is not, the first alone is seizable.

4. The privateers are by this authorized to detain and seize any neutral vessel which may carry to the enemy official despatches, or land forces, or sea forces, or seamen for the enemy's ships.

5. The privateers of the republic can capture all cargoes appertaining to Chilians, and found on board a neutral vessel, be it or not contraband of war.

6. Contraband of war is composed of the following articles: cannon, muskets, mortars, and arms of every description; also, every sort of ammunition, gun-carriages, powder, saltpeter, sulphur, military clothing, leather in stripes, saddles and bridles, tents, coal destined to the enemy's war-vessels or privateers, and in general all instruments or things destined for war purposes; amongst these, provisions, gold and silver coin, and correspondence addressed to the enemy, are likewise contraband of war, military contingents, and the individuals who belong to the enemy's service.

7. Also, all ships are seizable that cannot prove their neutrality. Likewise those that do not possess their principal papers, such as their sailing certificate, bills of lading of their cargo, or others showing the neutral property of this and of the vessel, and it will be declared a good prize, unless it is shown that these have been lost through an inevitable accident. All papers shown must be properly signed to be admitted.

8. The ships that may hoist a different flag from that of their real nationality, those who throw their papers into the sea, and those that oppose resistance, or endeavor to escape the privateers, will be considered as enemies.

9. The privateers of the republic are authorized to seize all vessels, without distinction of nationality, that carry on board the products exported from Mejillones, Antofagasta, and minerals from Caracoles, such as saltpetre, guano, silver or copper metals, when these cannot prove that they have been dispatched with the concurrence of the Bolivian authorities.

10. The declaration of good prize will be given by the tribunals established by the laws of the republic, If the prize cannot be brought before them, owing to the distance or other cause, the trial shall take place before the diplomatic or consular agents of the republic, in the ports of the friendly nations which may allow the sale of the prize. If the privateer should find it difficult, by reason of any extraordinary circumstances, to send the captured vessel to trial, he will use his discretion according to the circumstances, consulting his security, and preserving the justifying documents which he will opportunely deliver to the competent authority.

11. The privateers of the republic have, as such, the right of visitation which belongs to belligerents, and to exercise it they must comply with the following directions: They will display the national flag, firing a blank shot to stop the vessel which is to be visited, and to compel it to display its flag. If she should not do so, the privateer will proceed, as he thinks fit, to compel her.

12. If the merchant vessel should stop and fly its colors, the privateer captain will proceed to send the visit of recognizance, with the necessary precautions in order to be satisfied by the papers existing on board, of the nationality, nature of the ship, and its cargo, and whether it carries on a lawful commerce.

13. In all cases which result in showing that the vessel is seizable, the privateer will take an inventory of the cargo and all the effects which may be found on board; he will keep the documents which prove the legitimacy of the prize, in order to present them to the respective tribunals.

14. If the visit results in showing that the vessel is not seizable, nor subject to be detained, and that the cargo is entirely neutral property, and that there is no contraband of war, he will give to the captain of the visited ship a certificate in which these circumstances are to be stated, the captain retaining a duplicate of this document.

15. The vessels seized by the privateers of Bolivia, as well as the captured cargo on board of them, are free from all fiscal tariff in the ports of the republic.

16. The commander, officers, and crew of each privateer are under the protection and laws of the republic, and will be considered as citizens of Bolivia, having all the guarantees and rights annexed to the citizenship of Bolivia, though they be foreigners, through the mere act of fitting out and arming a vessel as privateer, or enlisting on board of it.

Given in the city of La Paz, on the 26th day of March, 1879.

HILARION DAZA.
EULOGIO D. MEDINA.

Countersigned :
The first officer,

DAMASO GUTIERBEZ.

No. 164.

Mr. Evarts to Mr. Christiancy.

No. 20.] DEPARTMENT OF STATE,
Washington, June 18, 1879.

SIR: Your dispatch (No. 7) of the 29th of April last has been received. It relates to neutral rights and the rights of peaceable and unarmed citizens in bombarded towns. The general views upon these subjects which you express are approved, and you were judiciously cautious, before you joined your diplomatic colleagues in signing the protest which was addressed to the commander of the Chilian fleet, to require that paper to be so changed as to make the protest dependent upon the truth of the facts which originally was assumed. The prudence of this step is understood to have since been illustrated by the disclosure that the bombardment of at least one of the points named was by no means unprovoked, but was in retaliation for the firing upon boats of the Chilian squadron, which approached the port under a flag of truce, for the purpose of announcing the blockade. The firing upon a flag of truce is notoriously one of the gravest breaches of the laws of war which a belligerent can commit, and is held to justify severe measures of retaliation, such as were adopted in the instance adverted to.

Although the policy of this government has heretofore shown a leaning towards neutral rights, this has never been or intended to be such as to extinguish the just rights of belligerents, especially of comparatively weak powers. It is apprehended that the capitalists of great European states, who have heavy investments in the funds and in the trade of the South American countries, are so alarmed about their interests that they may not be indisposed to deny any belligerent rights to those countries in the war now unhappily on foot. Undoubtedly they endeavor to impress their views and their anxieties upon their governments at home. This department is not aware how these may have been received. It is hoped, however, that in deciding upon the subject, that no neutral will omit to bear in mind that an acknowledgment of the independence of the belligerents implies a concession to them of all the rights in that character which they may claim under the public law, however the exercise of those rights may infringe upon the interests of neutrals.

The war adverted to is much to be deplored, and, for the sake of humanity, at least, it is hoped that it may soon be brought to an honorable close. Although our own citizens have a much smaller interest in this than those of European countries, complaints upon the subject, especially from owners of vessels in the carrying trade, have reached this department. Hostilities in this case, however, are not likely to be soonest

ended, or peace to be permaneut, if neutrals show such impatience as they would not be likely to acquiesce in if the situation were to be reversed.

In regard to the law applicable to the bombardment of unfortified places, permit me to refer you to the opinion of Attorney-General Henry Stanbery, of the 31st of August, 1866, relative to the bombardment of Valparaiso by the Spaniards. A manuscript copy of the paper is herewith transmitted to provide for the contingency of your not having a printed one.

I am, &c.,

WM. M. EVARTS.

[Inclosure in Instruction No. 20.]

Mr. Stanbery to Mr. Seward.

ATTORNEY-GENERAL'S OFFICE,
August 31, 1866.

SIR: It appears from your letter of the 27th instant that the American commercial houses of Wheelwright & Co. and Loring & Co., domiciled for commercial purposes at Valparaiso, sustained losses of their merchandise in the conflagration caused by the bombardment of that city by the Spanish fleet on the 31st of March last.

The question presented for my opinion is, whether a case is made for the intervention of the United States on behalf of these citizens for indemnity against Spain or Chili?

I do not see any ground upon which such intervention is allowable in respect to either of those governments.

The bombardment was in the prosecution of an existing war between Spain and Chili. Although, under the circumstances, it was a measure of extreme severity, yet it cannot be said to have been contrary to the laws of war, nor was it unattended with the preliminary warning to non-combatants usual in such cases.

It does not appear that in carrying on the bombardment any discrimination was made against resident foreigners or their property. On the contrary, there was at least an attempt to confine the damage to public property.

Then, as to the Chilian authorities, it does not appear that they did or omitted any act for which our citizens there domiciled have a right to complain, or that the measure of protection they were bound by public law to extend to those citizens and their property was withheld.

No defense was made against the bombardment, for that would have been fruitless and would have aggravated the damage, as Valparaiso was not then fortified, and no discrimination was made by those authorities between their own citizens and foreigners there domiciled. All shared alike in the common disaster.

The rule of international law is well established that a foreigner who resides in the country of a belligerent can claim no indemnity for losses of property occasioned by acts of war like the one in question.

The bombardment of Copenhagen by the British in 1807 is a notable illustration of this rule. Immense losses were sustained by foreigners domiciled in that city. There was no previous declaration of war against Denmark, and no reasonable ground upon which the bombardment could be justified, and yet no reclamation upon the footing of these losses was ever admitted by Great Britain. The bombardment of Greytown, in May, 1854, by the United States sloop of war Cyane, is another instance of this rule. Losses were sustained by French citizens there domiciled, from the fire of the Cyane. A petition to the United States from those parties for indemnity was presented through the French minister, then resident at Washington, but without the express sanction of his goverment. Upon full consideration, this petition was refused. Mr. Marcy, then Secretary of State, in answer to the claim holds the following language: "The undersigned is not aware that the principle that foreigners domiciled in a belligerent country must share with the citizens of that country in the fortunes of war, has ever been seriously controverted or departed from in practice."

I have therefore to repeat that I am of opinion no ground is laid for the intervention of the United States in favor of these parties.

I am, &c.,

HENRY STANBERY.

Hon. WM. H. SEWARD,
Secretary of State.

No. 165.

Mr. Tracy to Mr. Evarts.

[Translation.]

LEGATION OF PERU,
New York, June 24, 1879. (Received June 26.)

SIR: The minister of foreign affairs of Peru has instructed me to transmit to you the inclosed pamphlet, which is the counter-manifest addressed by the Peruvian Government to the United States in relation to the war declared by Chili.

The Government of Peru, which is now more desirous than ever to merit the good opinion and the friendship of the enlightened Government of the United States, hopes that your excellency, by perusing the statement made in its name by Mr. Irigoyen, will be enabled to appreciate Chili's true motives in declaring war against us, and to see on which side justice is.

I avail myself of this occasion to reiterate to your excellency the assurances of my very high esteem and distinguished consideration.

JOSÉ CARLOS TRACY.

COUNTER-MANIFEST.

Peru's reply to Chili.

(Addressed by the Government of Peru to all friendly powers with reference to the war which has been declared against it by Chili.)

[Translation.]

LIMA, *May* 1, 1879.

SIR: The exposition which was addressed on the 12th of April last to all friendly governments, by the minister of foreign affairs of Chili, reveals the fallacy of the motives which have led that government to declare war against Peru.

I feel confident that your excellency has vainly sought in that document for a single plausible pretext which may even apparently justify the very serious grounds taken therein, for it is not possible for good sense and justice to exhibit themselves on a foundation which has been prepared for some time past by overweening ambition and other ignoble sentiments, which at once present themselves to the appreciation of an impartial criticism.

The Government of Chili having lost prestige it its own country, through the policy which it had followed in the question of the Argentine Republic, by maintaining for a long series of years, and in a most irritating manner, exaggerated pretensions over the straits of Magellan and the Patagonian coast, and by afterwards abandoning them before the energetic attitude of that nation; embarrass by the increasing depression of its industries, and by an overwhelming commercial crisis which was daily destroying the principal sources of its prosperity, it suddenly turned its attention to the Bolivian coast, the object of its ancient and oft deferred aspirations, in order to realize an easy conquest which should re-establish it in the good opinion of its citizens, and replenish its exhausted treasury with the abundant wealth which Providence had bestowed upon that privileged territory. For that purpose it needed some pretext which should enable it to initiate its shameful programme, which was found in the question which had sprung up between the Nitrate and Railroad Company of Antofagasta and the Bolivian Government, on account of the moderate tax of ten cents which the latter had established upon the exportation of each quintal of nitrate, as a means of forcing the settlement of differences then existing.

Although in this question, which was an entirely private one, and as such subject solely to the laws and tribunals of Bolivia, there was no excuse for the interference of any government, that of Chili arrogated to itself the defense of those interests belonging not only to Chilians, but also to citizens of other nations; taking as a basis Article IV of a treaty celebrated with Bolivia in 1874, it demanded the suspension of the tax under threat of annuling the treaty.

The Bolivian Government repelled such a pretension, and reminded the Government of Chili that arbitration was stipulated for the settlement of differences which might arise between them.

The latter government, which up to that moment seemed to have forgotten so sacred a pledge, as was evident by the terms of its demand, was forced to acknowledge it by requiring Bolivia to suspend the execution of the law imposing a tax on the Nitrate and Railroad Company of Antofagasta, in order to submit the matter to the arbitration prescribed by the treaty.

And your excellency must bear in mind that while Chili thus appeared ready to enter into an amicable arrangement with Bolivia, it had sent one of its ironclads to Antofagasta with forces ready to land, and another portion of its fleet to Caldera with all descriptions of war material, assuring the governments of La Paz and Lima, through its respective legations, that the ships and forces dispatched to that port had no other aim than to insure, in case of necessity, order and tranquillity on shore, in harmony with *the Bolivian authorities*.

During this interval the Bolivian Government, animated by a desire to avoid a conflict with Chili, and deferring at the same time to the good offices interposed by Peru, yielded to the pretensions of the former republic by suspending the execution of the law imposing a tax on nitrates, and by accepting arbitration.

This fact should have effectually put an end to all difficulties, and my government believed it would; but the Government of Chili, which was determined by all means to destroy the treaty of 1874 and to seize a portion of the Bolivian coast, found a new pretext in the decree issued by the Government of La Paz rescinding the private contract which it had celebrated with the Nitrate and Railroad Company of Antofagasta. Such a resolution, even on the hypothesis of its being unjust and illegal, is not a sufficient cause to justify a government violently to break a treaty, and still less for taking possession of the coast of its opponent under the pretext of *reivindicacion*, as has been done by Chili, since before impartial minds it would not be justifiable even to exert the mere pressure of force.

Questions such as that existing between the Government of Bolivia and the Nitrate Company, in itself a private question, are subject to the decisions of competent tribunals in accordance with the legislation of each country, and with the principles of international law. It is only in cases of notorious injustice that a foreign government may interfere for the protection of its citizens, and under this aspect of the question Chili should have waited for an opportunity to interpose its claim, following the conduct usually adopted in such cases by nations which do not deviate from the principles maintained by science and accepted by civilized communities, and without overlooking the fact that all difference with Bolivia should be settled by arbitration.

Notwithstanding this, it pursued a different course, for no sooner did it receive the news of the recision of the contract adjusted with the company, and without protesting against the act by peaceable means, which at least might conform to the practice usual in such cases, than it hastened to occupy the defenseless Bolivian coast, with forces prepared beforehand, and which, according to its previous declarations, were only to be used to preserve order on land, should it become necessary, in *harmony with Bolivian authorities*.

Chili endeavors to justify its conduct by alleging that the territory comprised between parallels 23° and 24° of south latitude belonged to it by right of dominion and possession before the treaty of 1866; that it was ceded to Bolivia on condition that the latter would not impose additional taxes on Chilian industries and capital for 25 years; and that this republic, having set aside that stipulation, it became necessary to bring things back to their previous status.

In order that your excellency may appreciate the inaccuracy of those statements, it will be sufficient for me to bring before your enlightened consideration the declarations made by the Chilian foreign office itself, and contained in the memorial of the minister of foreign affairs addressed to the National Congress of that republic in the years previous to the treaty of 1866.

In the memorial of 1861 is found the following: "*The Treaty of Boundaries* which was being negotiated with the republic of Bolivia has met with unexpected interruptions. The government had cherished the idea that amicable and prudent arrangements would effectually dispose of questions as to the *uncertainty of limits* which heretofore had been the source of difficulties between the two countries, and regrets that the steps taken in this direction have been fruitless."

In a similar document, in the year 1862, the Government of Chili also acknowledges the uncertainty of limits in the following words: "The negotiations relative to the adjustment of *the Treaty of Boundaries*, which in this respect would put an end to the old questions, have estranged this republic and Bolivia, and have not produced the results which were expected." In the same memorial the minister of foreign affairs tells the Congress of this country: "Bolivia, through its special envoy, *ad hoc*, had proposed to subject the matter to the arbitration of a third friendly power." This cir-

cumstance demonstrates the confidence which Bolivia always had in her rights, and her desire to effect an amicable arrangement.

And lastly, in the same strain, the minister of foreign affairs, in his report for the year 1863, declared that a treaty determining boundaries was pending, which should finally settle all questions as to limits which had arisen between the two countries.

It is then a demonstrated fact that before the treaty between Chili and Bolivia of August 10, 1866, there was an *uncertainty as to the limits between the two countries*, and also negotiations for the celebration of a treaty which should settle all their differences, whereby it is apparent that the assertions made by Señor Fierro, in his memorial to the friendly powers, are wholly inexact when he assures them that Chili, before the treaty referred to, "enjoyed dominion and possession over the territory comprised between the parallels of latitude 23 and 24."

Had Chili been in that situation, she certainly would not have sustained through long years the negotiations to which she refers in her own documents, and still less would she have carried her disinterestedness to the extent of abandoning a rich territory merely to ingratiate herself with the Government of Bolivia. Thoroughly convinced that the territory in dispute had at no time belonged to her, she would not accept the arbitration proposed by Bolivia, and feeling confident that, under any circumstances, the verdict would be adverse to her pretentions, she celebrated the treaty of 1866, the first article of which is as follows:

"The line of demarcation between Chili and Bolivia, in the desert of Atacama, shall henceforth be the 24th parallel of south latitude, from the Pacific coast to the eastern limits of Chili; so that Chili on the south, and Bolivia on the north, *shall enjoy possession and dominion* over the territory extending to the said parallel of latitude, and shall exercise therein all the acts of jurisdiction and sovereignty inherent to the lord of the soil."

This article coincides in sentiment with the preamble to the treaty, wherein it is asserted that both republics "desired to put an end amicably, and mutually satisfactory, to the *long pending question* between them as to the determination of their respective territorial boundaries of the desert of Atacama," and also with the terms of the memorial which immediately after the celebration of that treaty was presented to the Congress of Chili by the minister of foreign affairs, wherein the following language is employed: "Animated, as well as is Bolivia, by an earnest desire to establish more intimate relations between the two republics, and *to remove forever* any cause of difference between them, we *avail ourselves* of these conditions, mutually liberal, for the *definitive settlement of the former question* of boundaries in the desert of Atacama."

The treaty of 1874, which is the last which has been celebrated between Chili and Bolivia for the purpose of introducing some modifications in the division of the profits of the development of the frontier territory, which had been reciprocally recognized in the treaty of 1865, strengthened the rights of Bolivia over the territory comprised between the 23d and 24th parallels of latitude. Its first article is, in fact, the most precise which could have been agreed upon, since it says: "The 24th parallel of latitude, from the coast to the Andes at the *divortia aquarum*, is the line between the republics of Chili and Bolivia."

These stipulations, in their spirit as well as their form, are absolute and unconditional, and in nowise resemble the terms employed by nations in treaties in which a cession of territory is agreed upon. Article 1st of the treaty celebrated between France and Sardinia in 1859, in reference to the cession of Lombardy, is conceived in these words: "His Majesty, the Emperor of Austria, renounces, in his name, and that of his successors, his rights and titles over Lombardy." Almost the same terms are employed in the cession of Monaco to France, of the cantons of Menton and Koemebrume, and of the more modern of Nice, in 1860.

It was necessary to set forth the antecedents to which I have referred, and which extend over a period of twenty years, in order to present in a proper light the origin of a dispute which culminated in the occupation of the Bolivian coast, and which has led Chili to declare war against Peru. These antecedents, moreover, are indispensable in order to arrive at a conclusion that the conflict between Chili and Bolivia, so long sustained, was amicably settled in the treaty of 1866, and ratified in 1874, wherein the two high contracting parties reciprocally renounced the right which each claimed over territory in Atacama.

It cannot, therefore, be justly held that Chili had ceded to Bolivia a portion of territory which was indisputably the property of the former; and still less that the treaties already cited were conditional, as it is claimed by Chili.

Your excellency is well aware that treaties establishing boundaries, similar to those recognizing the independence of a state, are not of a transient character, having the special feature of being definite and unchangeable after they are once carried into effect. Such treaties continue to exist even independently of a change of sovereignty and of the form of government of a country, and that war itself cannot abrogate them, as it does *ipso facto* all other treaties between the belligerents.

It is not true the treaty of 1874 is conditional, or that Chili has ceded her rights

over the territory comprised between the parallels 23° and 24° of south latitude, on condition of the non-imposition of additional taxes on Chilian industry and capital, as is affirmed by Señor Fierro. Chili could not cede that which had never belonged to her, and still less stipulate conditions for similar concession. In the treaty of 1866 she recognized the dominion of Bolivia over the territory which extended to the 24th parallel of latitude, declaring that that republic might exercise over that territory all acts of jurisdiction belonging to the "lord of the soil."

This acknowledgment having been made in an absolute manner, it was not allowed to subsequently revoke it by any stipulation of ulterior conditions. Chili had solemnly declared Bolivia as the owner of the soil, and having considered her as such during eight years, until treaty of 1874, in which very far from throwing any doubt upon the rights which she had recognized to Bolivia in 1866, she saw fit to ratify them, and could not fall back upon the old questions invoking the right of reoccupation, which is completely rejected and abolished among all civilized communities.

Reoccupation implies unquestionable dominion over the property to which it refers; and if Chili has never exercised dominion over the territories which she has just violently occupied; if, far from this, abandoning her ancient claims she acknowledged that that territory belonged to Bolivia, it is evident that the right of reoccupation which she has asserted is a contradiction in ideas, and an abuse in fact, and the integrity of the treaty of 1874 cannot be brought forward as a counter-argument, for even supposing that it had been abrogated by the alleged violations on the part of the Bolivian Government, things should have been restored to the condition in which they were found prior to the celebration of that treaty, and as a consequence Bolivia's right of dominion over that territory should have remained unimpaired since it had been recognized in an irrevocable manner in the treaty of 1866.

The Government of Chili has, however, ignored these obvious principles in the autonomy of sovereign states; and in the midst of peace has broken the treaty of boundaries by taking forcible possession of territory which she herself declared belonged to Bolivia, and over which she had recognized the sovereignty of that nation from the year 1866 to the 14th February last; and she has proceeded to carry out her programme invoking the absurd and untenable principle of *reivindicacion* which she has herself condemned in 1864, after the occupation of the Chincha Islands by the Spanish fleet, thereby shaking the foundations underlying American nationalities, and creating deep hatred and an unextinguishable desire for revenge, the tremendous consequences of which it is impossible to foresee or calculate.

The origin being determined of the motive which primarily actuated Chili to take possession of the Bolivian coast, as before stated, and afterwards to declare war against Peru, I will now have the honor to explain to your excellency the policy which has been pursued by my government in the conflict between those two republics, and the true reason of the policy followed by the cabinet of Santiago.

From the 2d of January of the present year, when this ministry was apprised of the first indications of a misunderstanding between Chili and Bolivia, it charged the representatives of Peru at La Paz and Santiago to proffer, at any opportune moment, to the governments of both the good offices of this republic in order to avoid a rupture, or in an amicable manner to avert all acts or measures which should render difficult or impossible a peaceful solution of the questions then pending.

My government further recommended to Bolivia, in a most friendly way, either at prolonged conferences in this ministry between the undersigned and the envoy extraordinary, Dr. Zoilo Flores, or through its representative at La Paz, the expediency of suspending the execution of the law establishing a tax on nitrates at Antofagasta, and the submitting of all difficulties to arbitration, which fact proves the earnestness with which Peru endeavored to prevent a conflict, and the inaccuracy of the contrary asseveration which the minister of foreign affairs of Chili has been pleased to make in his exposition.

On the 24th of January, that is to say 20 days before the occupation of the Bolivian coast by Chilian forces, our representative stated to his Excellency the President of Chili, in a special conference which he held with him during the absence of the minister of foreign affairs, that he was authorized to interpose the good offices of Peru in order amicably to prevent any violent act which might embarrass or interrupt a settlement with Bolivia. His Excellency accepted the offer enthusiastically, and responded to it with a formal promise that no extreme measures would be adopted without notifying the representative of Peru of the same.

Notwithstanding this our chargé d'affaires expressed to Minister Fierro himself the wishes of Peru, and when he had a right to expect compliance with the plighted word of the President of the republic, he only received a courteous rejection of his good offices and a notification that orders were given to occupy by force Antofagasta and Mejillones, as was actually accomplished a few days later. Meanwhile Bolivia had accepted the good offices of Peru, and yielded, as has been stated, to the demands of Chili, which consisted in the suspension of the tax imposed on the exportation of nitrate.

Peru was not, therefore, indifferent to the difficulties which were accumulating between Chili and Bolivia; its conduct, on the contrary, was that of a solicitous and far-seeing friend; and if its good offices, which had been proffered before the outbreak of hostilities, did not accomplish the desired end, it was due exclusively to the fact that in the councils of the Chilian cabinet it had been resolved beforehand, in an irrevocable manner, to seek the aggrandizement of its territory at the expense of its neighbor and ancient ally, and of the disturbance of the balance of power in this section of the continent.

And a very clear and eloquent proof of Peru's lively interest in favor of peace is found in the fact that, although its good offices have not been accepted, whereby it considered its dignity to have been wounded, it was not disheartened or discouraged in its efforts, but hastened to accredit to the cabinet at Santiago a minister plenipotentiary, with the special mission of proposing a settlement with Bolivia on the rational and just basis of the evacuation of the invaded territory, and of the submitting to arbitration of all difficulties existing with the latter republic.

Such repeated offers, the good faith of which Señor Fierro has permitted himself to doubt, by offensively insinuating that his Excellency the President of Peru had stated "that an impulsive public opinion was exercising an undue pressure, and embarrassing his power," were afterwards confirmed by our special envoy in Santiago, who, during the month of his stay in that city, did not cease to devise and propose various methods for a decorous agreement, without any result but the sad conviction that the Government of Chili was firmly bent upon sustaining, by all means, the usurpation of Bolivian territory, and the declaration of war with which she had responded to the efforts made by my government in behalf of peace.

At various conferences which our envoy held in Santiago with his Excellency the President, as well as with his minister of foreign affairs, it was always sought to hide from him their secret designs by speaking in such terms as to make him expect the possibility of the evacuation of the Bolivian coast, for the purpose of wringing from him a declaration of *absolute and unconditional* neutrality, and if not officially, at least through respectable sources, certain ignominious arrangements were proposed to him, which our representative rejected with dignity, as had been previously done by our chargé d'affaires, notwithstanding the fact that those propositions favored Peruvian interests. Among them was that of dividing Bolivia between Chili, Peru, the Argentine Republic, and Brazil, and making of it, in the words which were employed, an American Poland; and another proposal was that Chili should retain the Bolivian coast, that Peru should cede Iquique and Arica to Bolivia, and that Peru should receive in exchange the Ecuadorian province of Guayaquil.

At the time that this occurred in Santiago, the representative of Chili in Lima addressed to this minister a note which was immoderate and studiously provoking, demanding an explanation of the attitude of the Peruvian press and people, which were but feebly replying to unstinted provocations of the Chilian press and people, falsely and slanderously charging my government with having furnished to Bolivia arms and munitions of war; demanding an explanation as to the existence of a treaty of alliance which united Peru and Bolivia, and which at that date was kept secret; and, lastly, requiring a categorical declaration of Peru's neutrality in the presence of the events which had occurred, and those which were probable, so long as Chili continued to defend by force of arms the Bolivian territory which she had occupied.

The negotiations having been established in Santiago, and this ministry believing that the Chilian cabinet was imbued with a more peaceful and conciliatory spirit than that which was manifested, in all his acts, by their plenipotentiary in Lima, it hastened to address Señor Lavalle, empowered *ad hoc*, a note in which are satisfactorily disposed of all the charges which were brought against my government, and recommending him to read the same to Señor Fierro and leave with him a copy of the document if he desired it.

This note, which was dated the 22d of March last, will be found among the documents annexed to the memorial which this office has just submitted to the extraordinary Congress, which opened its sessions on April 24th, and which I inclose, in order that your excellency may, if you deem it necessary, verify this and other facts to which reference is being made, and form an accurate opinion as to the proceedings of both republics.

In said document my government declared that as it did not then have official knowledge of the occupation of the Bolivian coast, and as it was not aware of the significance and true aim of that act, the opportunity had not yet arrived to express its opinion and define the attitude which it should assume, and that its policy depended upon two conditions which could not be disregarded, to wit, the existence of the treaty of defensive alliance binding Peru to Bolivia, and the decision of the national Congress, which had been convened for the exclusive purpose of marking out the line of conduct which the government should follow.

The minister of foreign affairs of Chili, however, presumes to affirm that the cabinet of Lima promised the Chilian plenipotentiary the neutrality of Peru. The inaccuracy

of this assertion is demonstrated not only by what I have already set forth, but also by the positive declarations which were directly and repeatedly made to the Chilian Government by our plenipotentiary, Señor Lavalle, that Peru could not and should not remain neutral in Chili's contest with Bolivia

Another assertion equally inexact, among the many which are contained in the exposition, is that which supposes that the promise had been made to Señor Godoy to suspend the warlike preparations commenced from the moment that the manifestly hostile designs of the Government of Chili became known. Far from this, on several occasions upon which that gentleman visited this ministry I stated, with the frankness which characterizes the Peruvian people, that we were arming ourselves in anticipation of whatever eventualities might arise, but that our preparations should not be looked upon by Chili as threatening, because they should not be regarded as of an aggressive character; and being satisfied with my representations, he repeatedly stated that he could understand that Peru's interest and political position could not allow her to remain neutral in the contest between Chili and Bolivia, and that he had communicated this impression to his government.

Nor is it true that Peru, while exercising its mediation at Santiago, had supplied Bolivia with arms and ammunition; and my government hastened to repel this charge with becoming dignity, at the very moment when it was advanced by the Chilian envoy. Not only did Peru carry its good faith and peaceful inclination so far as to refuse warlike supplies to Bolivia, but it endeavored to prevent the departure from La Paz of the army, which was burning with ardor to rush to the recovery of their country's usurped territory, as well as the sailing of a privateer which the Government of Bolivia, which is not a signatory to the declaration of Paris of 1856, had prepared to prey upon a rich and defenseless commerce. She omitted nothing in her unconquerable purpose of amicably settling the differences between the two countries.

The Government of Peru could not think or act otherwise; because, aside from the interest which it has ever felt and evinced in the preservation of peace among the South American States, and confiding in the good relations which bound it to its neighbors, it lived without troubling itself with preparations for war, and exclusively devoted itself to the improvement of the critical commercial condition in which it found itself, and which for some time back has impeded the development of its resources; the army, moreover, was distributed over points of its vast territory and was strictly reduced to the peace footing prescribed by law during peaceful times, and the fleet, as is well known to the public and foreign representatives resident in this capital, was almost disarmed, which circumstance, up to the present day, has prevented its leaving the harbor of Callao and repairing to the dislodegment of the Chilian fleet from the southern ports of the republic, that it may not continue its work of burning commercial and defenseless towns, and throwing shells on trains filled with women and children.

A nation completely disarmed as was Peru, and fearful that its interests should be compromised in the struggle if the contending republics did not arrive at some understanding, could not but labor sincerely and enthusiastically in favor of peace, and my government did so, suppressing the deep indignation produced in its own conviction and that of the whole country by the scandalous outrages against our consulates in Valparaiso and Antofagasta, committed in the presence of the Chilian authorities and forces, and which no doubt were expressly prepared with a view to provoke a rupture in the good relations which had been maintained up to that time.

While my government in this manner sought to avoid a sanguinary war, the Government of Chili dallied with the Peruvian plenipotentiary by offering hopes of an arrangement which was *not regarded as impossible;* and as soon as preparations for war which had been carried on had been completed, it suddenly and brusquely severed relations with the Peruvian envoy, while at the same time the Chilian minister at this capital demanded his passports; and immediately, and without a formal declaration of war, began the blockade of Iquique, and committed those acts of vandalism to which reference has been made.

In order to justify these proceedings it simply alleges the preparations which were making in our fleet, the dispatching of a division of 1,500 men to the port of Iquique, and the existence of a secret treaty which Peru had celebrated with Bolivia in 1873. The enunciation of these fundamental facts is sufficient to reveal their insignificancy and the evidence that the conduct of our adversaries was influenced by other and hidden motives which they dare not express because they would produce profound indignation among the nations of the earth.

The preparation of our fleet and the transfer of 1,500 men to Iquique on the breaking out of the war between two republics, who were our immediate neighbors, could not have been a cause of surprise to Chili, for it is quite natural that the nation should prepare itself for the possible emergencies which a war would be likely to produce, especially when it is carried on at its very borders, as has happened in this case. The Chilian Government had received, moreover, positive and repeated official declarations as to the character of the preparations going on in our fleet, which were merely mate-

rial, as well as of the movements of the small force mentioned; and it should have been convinced that they were not aggressive, as was subsequently borne out by the facts.

The treaty of alliance with Bolivia could not likewise be construed as a cause for war, inasmuch as in its celebration the contracting parties merely proposed to guarantee to each other their independence, their sovereignty, and the integrity of their respective territories through their mutual defense against any aggression by other nations, which fact does not imply an offense against any state whatever. Similar alliances abound in the department of foreign affairs of other nations, and have never given rise to doubt as to the good faith of the government celebrating them.

The impersonal character of the treaty, its abstract stipulations, and the conditions fixed for declaration of the *casus fœderis* demonstrate that it could have referred to Chili only after that country should have of her own accord made the fulfillment of the treaty necessary. This treaty, moreover, did not render a war inevitable, but on the contrary required a resort to conciliatory methods which were opportunely offered by Peru without the necessity of concealing under the guise of mediation the character of a beligerent.

On the other hand, the existence of this treaty, notwithstanding the secrecy of its character by virtue of one of its stipulations, was not unknown to Chili. Her public men, and even her ministers of state, at different periods, have mentioned it and frequently referred to its contents.

Moreover, the Chilian Government had official knowledge of its existence from the commencement of the troubles with Bolivia, as the President of this republic and the undersigned communicated to Señor Godoy its principal stipulations, which, far from embarrassing, supported and justified the mediatory and friendly attitude which Peru had assumed in its efforts to avert war between two friendly republics, and to avoid the occurrence of the emergencies which would necessitate bringing into effect the secret alliance.

Nor did the stipulations of the treaty render impossible the neutrality of Peru. If Chili had not occupied the Bolivian coast, invoking the absurd principle of revindication which violates the *uti possidetis* of 1810 and threatens the territorial integrity of South American States; if Chili had not harbored the purpose of taking forcible possession of that which had never belonged to her; if, deriving her inspiration from a sound judgment, Chili had confined her efforts to obtain through coercive measures the interpretation which she places upon Article IV of the treaty of 1874, arrogating to herself the settlement of a question which properly belongs to Bolivian jurisdiction, Peru would undoubtedly have had no cause for interference in the contest; for so long as the integrity of Bolivian territory was not menaced the *casus fœderis* would not have been invoked, and Peru would have remained neutral and endeavored to prevent the war and the severance of the good relations between the two countries which the hostilities already commenced presaged.

In 1873 Bolivia was threatened with territorial dismemberment, as was also the Argentine Republic. These threatenings gave rise to the alliance, the aims and tendencies of which are eminently American, since they are calculated to avert war among nations to which peace is necessary for their development and prosperity. Chili had irrevocably settled its boundary question with Bolivia since 1866; and the later treaty, celebrated in 1874, proves that it was not the cause nor the object of the alliance, unless Chili should venture, as it has done, upon the forbidden ground of scandalous usurpation.

The idea that the alliance was inspired by the necessity of forestalling the clamor of the nitrate proprietors in Tarapaca, despoiled of their industry, lacks foundation, and is evidently irrelevant. The expropriation of the nitrate works has cost Peru more than 20,000,000; and the price paid to those who voluntarily disposed of them, and in the price so paid, will be found by those who do not close their eyes to the light of evidence an indemnity which was in some cases far above what justice itself would have demanded. There can be no spoliation when the price of a property is paid and indemnity guaranteed. Peru did both, and does therefore not deserve the insults which have been launched at her in the exposition of the Chilian minister of foreign affairs.

To construe into a cause of alliance between two nations the necessity in which the government of one is placed to avoid claims which may be preferred by the nitrate manufacturers in opposition to the fiscal measures which that nation may have adopted, is a singular proposition which none can accept. Such allegations simply demonstrate that Chili was preparing to constitute herself the champion and defender of the nitrate manufacturers who had been abundantly remunerated for the value of the *oficinas* which they had voluntarily sold to the state; since, only in this manner can we understand that the minister of foreign affairs should perceive in the alliance the consummation of the expropriation of the nitrate works and an offense against his country.

But while it is true that before impartial minds it cannot be maintained that such expropriation inspire the idea of alliance, we must agree that it insured for Peru and Bolivia the nitrate monopoly and the multiplied interests which are connected there-

with, by laying the foundation of a prosperous business which Chili coveted and was determined to wrest from us at all hazzards. Up to that time Peruvian productions had equaled Chili's balances of trade abroad; and after, by force of circumstances, the latter's capitalists had withdrawn from Tarapaca, her ambition revived, and she returned to her efforts for the acquirement of new territories which should offer a fresh field for her decaying activities. This alone can explain the policy of Chili. She needs riches in her present critical financial condition, and as they cannot be found on her exhausted territory, she seeks to obtain by force of arms those which belong to her neighbors. Such are the teachings of the justice which she so loudly proclaims, and of the civilization which she boasts.

The real cause therefore of the war which Chili has declared against Peru is to be found in her vaulting ambition, in her vehement desire to grasp the Bolivian coast, which abounds in guano, nitrates, and other minerals. This she has been seeking for years without hesitating at the employment of any means, even those which are forbidden, and she incessantly seeks the accomplishment of her ends. Taking advantage of Bolivia's internal difficulties, Chili attempted to wrest from her the territory comprehended between the 23d and 24th parallels of south latitude; and not satisfied with this concession, she has endeavored to set Bolivia at war with Peru, by promising assistance, as I have already stated, in the work of seizing the department of Tarapaca in exchange for the territory bordering on the Loa.

There is no act of faithlessness which Chili has not practiced against Peru under cover of the good relations existing between them. Neither the sacred interests of America, nor the dignity of nations, nor the respect due from one state to another, nothing has sufficed to satiate her inordinate ambition. Immediately after the Spanish forces occupied the Chincha Islands under Admiral Pinzon, instead of taking the side of South American interests Chili endeavored to establish closer relations with Spain and to arrange with Ecuador an offensive alliance against Peru, to the end that the latter, crushed by the calamities of war, and in the midst of the difficulties which then embarrassed her means of defense, should succumb, and become the foundation for the realization of Chili's unholy ambition.

While the truce with Spain had not yet been agreed upon and the state of war, therefore, still continued, the Chilian representative in London, without Peru's knowledge and acquiescence, arranged with the representative of Spain to obtain from England's ship-yards the vessels which both had ordered to be built, thus allowing a common enemy considerable to increase her naval forces.

Not having then realized her perfidious combinations she ordered the construction of powerful iron-clads which might enable her to assert supremacy in the Pacific and impose her will upon the nations of the Continent. As soon as she felt her strength she renewed her task against Peru by inspiring the governments and leaders of Bolivia with the idea of seizing a portion of our territory; and availing herself of the first opportunity which offered she has declared war against us, which has been her aim for many years, as the question with Bolivia has been a mere pretext which is proved by several very important public documents in which she has proposed to that power immediate peace, and the compensation of her territory with the more valuable possessions of Peru.

In the light of these antecedents your excellency will appreciate the true motives with which Chili has declared war against us, and will perceive upon which side justice lies.

In the mean time Peru, prematurely drawn into the conflict, places her destinies under the protection of Providence, relying on the justice of her cause, and depending upon the alliance with the noble Republic of Bolivia, trusting in the devotion of her sons and the tried bravery of her army and navy, she cherishes the conviction of her ability to punish her gratuitous enemy.

With sentiments of the highest consideration, I have the honor to subscribe myself your excellency's obedient servant,

MANUEL IRIGOYEN.

No. 166.

Mr. Christiancy to Mr. Evarts.

No. 25.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 25, 1879. (Received July 16.)

SIR: Referring to my dispatch No. 20, in reference to the decree of the Bolivian President authorizing privateers, I have to say that having lately heard reports that Bolivia had been making efforts at Mon-

tevideo to get vessels to take commissions as privateers, that they were making like efforts in California, and expected also to fit out privateers in ports of Peru, it occurred to me that as Peru and Bolivia were allies in this war, I might with propriety, in the most informal and friendly manner, call the attention of the minister of foreign affairs of Peru to the decree of President Daza and suggest to him the points of conflict which might arise between that decree and the treaty of the United States with Bolivia. I accordingly called upon the minister and stated that it was my wish in the most informal and friendly manner to call his attention to the conflicts which might arise between the principles announced in President Daza's decree and the treaty between the United States and Bolivia, which I proceeded to do; and I took the liberty also to state that if privateers should be fitted out in Peruvian ports under the decree of the President of Bolivia and to be governed by the principles announced in that decree, it might become my duty to make a formal protest to the Peruvian Government against such action. But I stated at the same time that I made these suggestions upon the principle that it is better to avoid difficulties and misunderstandings of this kind in advance than to undertake to remedy them afterwards; and that it had occurred to me that as Peru was in alliance with Bolivia in this contest a friendly suggestion made by him to the proper officer of the Bolivian Government might be well received, and that the President of Bolivia might be induced so far, at least, to modify his decree as to prevent conflicts arising under the treaty of Bolivia with the United States.

These suggestions were received by the minister in a spirit of the utmost kindness and cordiality, and he assured me that he would take occasion in a like friendly and informal manner to bring them to the attention of theBolivian Government; and that he thought I need have no fear that Peru would allow anything to be done in her ports which would be likely to conflict with the rights of the United States under their treaties with either belligerent.

I have, &c.,

I. P. CHRISTIANCY.

No 167.

Mr. Evarts to Mr. Christiancy.

No. 24.] DEPARTMENT OF STATE,
Washington, June 26, 1879.

SIR: I transmit herewith, for your information, copy of an instruction addressed by this Department on the 23d instant to Mr. Pettis, the United States minister resident and consul-general at La Paz, Bolivia, in relation to the intimation lately received through British official channels that the issuance of letters of marque had been decreed by the Bolivian Government, and that agents thereof were already on their way to the United States. A copy of the circular published by the Treasury Department on the 21st instant, addressed to collectors of customs and others whom it may concern, touching the observance of the neutrality laws of the United States, is inclosed.

In the fortunate absence of any intimation that Peru, as the ally of Bolivia, has contemplated, or contemplates, any action which might even remotely infringe the international obligations or domestic laws of the

United States, it is unnecessary to instruct you to make official communication on this subject to the minister of foreign affairs, but you may, should you deem it pertinent, intimate to him that this government is using, and proposes to use, every effort to secure the complete observance of the neutrality laws of the United States, both by their own citizens and on the part of those of the belligerent.

I am, &c.,

WM. M. EVARTS.

NOTE.—For instructions to Mr. Pettis and Treasury circular, Document No. 2.

No. 168.

Mr. Evarts to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, June 27, 1879.

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant with the "contra-manifesto" of Peru, relating to the motive of the war now being waged between her government and that of Chili.

Accept, sir, &c.,

WM. M. EVARTS.

No. 169.

Mr. Christiancy to Mr. Evarts.

No. 34.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 15, 1879. (Received August 7.)

SIR: I inclose a copy of my letter of June 8 to J. W. Merriam, esq., our consul at Iquique, on the subject of blockade. This ought to have been sent you promptly at the time, but I was deficient in clerical force, and it was laid aside for the time, and overlooked until now.

I will say that at the date of the consul's letter, May 23, the blockade of Iquique had been raised by the Peruvian forces, and the consul stated he had been informed, by some gentlemen who professed to know, that by the rules of international law it could not be re-established without a three months' notice.

I will further say, as relating to the same subject (the blockade of Iquique) that both Chili and Peru have become parties to the treaty of Paris, which, among other things, defines what shall constitute a sufficient blockade. That from the time of re-establishment of the blockade at Iquique, about the 1st of June, until the 10th instant, or about that time, no question has been made of the sufficiency or efficiency of the blockade. But it seems that about the time last mentioned, or a little before, the Chilian blockading-squadron adopted the plan of withdrawing at night from the vicinity of the town to the distance of four, five, or six miles or more—fearing, as it is believed, the effect of torpedoes which the Peruvians and Bolivians (who are in possession of the town) might be able to use—and on the night of the 10th instant the Huascar, a Peruvian iron-clad, turreted vessel, of greater speed than the Chilian iron-clads, made her way without difficulty into the port, remained there

long enough to communicate with the allied forces on shore, and then, toward the dawn, sailed out in search of the Chilian fleet. She soon fell in with the Chilian transport Matias Cusino, a partially armed wooden vessel, and immediately attacked her, principally with small-arms, and demanded her surrender, which demand was at once complied with, and a prize-crew sent off in boats to take possession; but at that moment the Chilian corvette Abtao, the Magallanes, and later the iron-clad Cochrane made their appearance.

The Huascar at once recalled the prize-crew she was sending out, and, having no time to take possession of the prize, she fired some heavy shot into her hull, disabling her. Then, seeing the Chilian fleet coming down upon her, she sought to make her escape, and in doing so, came in contact with the Abtao, with whom she at once engaged, and the combat was continued nearly an hour, when first the Magallanes and next the Cochrane coming within range, the Huascar left after doing serious damage to the Abtao, and by reason of her greater speed was enabled to make her escape, with very slight injury. What may have taken place since in the port of Iquique, I am not informed.

But it is now insisted here by the Peruvian press, that the blockade is shown to be ineffectual, and that it should be treated as absolutely ended for all purposes. A strong effort, I have no doubt, will be made to induce the diplomatic representatives (of the neutral powers) here to take this ground. What may be the opinion of the other ministers here upon the point, I am not yet informed; but, for myself, I am not yet prepared to take so broad a ground upon the facts already existing, but on the other hand I am inclined to think the facts only show an unsuccessful attempt to raise the blockade by force.

If any mercantile vessel had in the night (say of the 10th instant), and without actual notice of the blockade, got into the port, she could not have been held guilty of a breach of the blockade for so doing. And it may be worthy of careful consideration whether, if this practice of withdrawing the blockading force so far from the port at night should be generally kept up hereafter, neutral nations might not be justified in treating it as ineffectual, and therefore null. But I do not intend to come to any hasty opinion upon this point, and propose to wait till the contingency renders its determination necessary.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 34.]

Mr. Christiancy to Mr. Merriam.

LEGATION OF THE UNITED STATES,
LIMA, PERU, *June* 8, 1879.

SIR: I notice that in writing to you on the 1st instant, I overlooked one point in your letter, viz, that in reference to the fact of the blockade having been raised, and the question of the length of time necessary to re-establish it. I will say in answer to your question that I know of no rule of international law which would require three months' notice to re-establish the blockade. But it requires the same notice (and no other) that it required to establish it in the first instance; and that, as I understand it, is reasonable notice, having reference to all circumstances existing at the time and place. The notice is mainly if not entirely for the benefit of neutrals, and should be sufficient to all or any neutral ships in port to leave with any cargoes they may have on board at the time; but they can take on no more cargo after notice of the blockade, except with the assent of the blockading squadron, as the recognized purpose of a blockade is to put an end to the foreign commerce of the port, and thus to weaken the power of the nation to which the port belongs.

And as to vessels approaching the port for commercial purposes, they will not be liable to capture unless, after they receive actual notice of its existence, they attempt to enter, in which case they would be liable to capture and forfeiture. But this blockade, not having been formally notified to the governments of neutral powers, so as to give room for the doctrine of implied notice to the ships of such nations; such ships are not to be seized until they shall have received actual notice, which naturally will be given them on their approach by the blockading squadron.

And as to the nature of a blockade itself, you may take it for granted that no mere paper blockade will be recognized by neutral powers, but only such as are maintained by an adequate force. Such an actual force as to render it impossible, or, at least, imminently dangerous, for a vessel to enter the port. But, of course, this doctrine is liable to some qualification. The presence of such force is not required to be absolutely perpetual under all circumstances; as in the case of a storm which may temporarily disperse the blockading force, they will be allowed a reasonable time to resume their position. But, if they voluntarily and completely leave the port so as clearly to indicate a disposition to abandon the blockade, or if they are driven off by the enemy, and the enemy get complete control of the port for a few days (perhaps for a single day) the blockade is ended.

I am, &c.,

I. P. CHRISTIANCY.

J. W. MERRIAM, Esq.,
United States Consul, Iquique.

No. 170.

Mr. Evarts to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, July 19, 1879.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, and of the report of the Peruvian minister of foreign affairs, presented to the congress convened on account of the war now in progress between Peru, Chili, and Bolivia, and to express the thanks of the government therefor.

Accept, sir, &c.,

WM. M. EVARTS.

No. 171.

Mr. Christiancy to Mr. Evarts.

No. 36.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 20, 1879. (Received August 15.)

SIR: I have not recently written you anything (excepting in an incidental and collateral way) upon the progress of the war, because it is very difficult to discover that any real progress has been made, except in the way of raising soldiers and transporting them with munitions of war to some field of anticipated operations, and some indecisive and comparatively unimportant naval operations.

By land, the desert of Atacama as effectually separates the armies of Chili on one side, and Peru and Bolivia on the other, as the broad Pacific separates the armies of either from those of China.

Neither party seems to have a navy with sufficient transports to convey an efficient army with its necessary stores and munitions into the territory of the other, at any great distance from that part of Bolivia

which approaches the coast, and no decisive action has taken or is likely soon to take place between the fleets. That of Chili would be much the most efficient if a general engagement could be brought about. The Peruvians know this and avoid it, but, with their lighter and swifter vessels, play around the ponderous Chilian iron-clads with impunity, performing the most efficient service, rendering the iron-clads comparatively useless. These last would do the most effectual work if the work were brought to them to be done; but unless they can greatly increase their speed they are not likely to find such work at the right time and place to render it of much consequence.

Chili thus far has, by her own mode of carrying on the war, conferred a great favor upon Peru and Bolivia, by transferring the field of operations to the very locality which they would naturally have chosen, the point where their forces can readily form a junction and operate in concert. And they seem to be now acting in entire harmony, having an efficient combined land force in that region of between 28,000 and 32,000 men, which can be readily concentrated. And the Chilian fleet is too small, compared with the size of the Pacific Ocean, to enable that fleet seriously to endanger the free water communication between the field of operations and the Peruvian base at Callao.

Such is substantially the condition of military affairs to-day. It is liable to be changed at any time, but no one can foresee just what that change is likely to be. In the mean time all the parties are rapidly exhausting their finances, if in fact either can be said now to have any financial resources, for both are on the verge of bankruptcy. The people of all these belligerent countries are poor, and need all their resources.

If the war continues long, further complications are to be feared. The attitude which the Argentine Republic seems to have assumed (according to the intelligence received here, but of which you will be better informed) in rejecting the recent treaty made with Chili, looks ominous for the latter; and if this intelligence should prove correct, Chili seems to be threatened with dismemberment, a result which, in my opinion, would be disastrous to all parties, and which would operate for centuries to come as a cause of commotion and of constantly recurring revolution. In the meantime, while the present war lasts, it not only absorbs all the means of the belligerents and retards all progress in developing their resources and improving their material prosperity, but practically annihilates all commerce with neutral and friendly nations.

It is, therefore, as it seems to me, clearly for the interest not only of the belligerents, but of all other nations, that peace should be brought about between them at the earliest practicable moment. And our own government more than all others seems to me to be interested in such a result; as all these republics have sought to follow the example of the United States, which must naturally feel, to some extent, responsible for their success.

I cannot speak with any confidence of the disposition of Chili, but I am entirely satisfied that both Peru and Bolivia would more readily accept the intervention or advice of the Government of the United States than of any other government in the world. Of this I have become satisfied from various informal and familiar conferences. And if either of the belligerents (Peru and Bolivia on one side or Chili on the other) could be induced to make a proposition for peace on the basis that Chili should first evacuate and surrender the territory, the seizure of which from Peru and Bolivia was the commencement of the war, and that all matters in dispute (boundaries, violation of treaties, expenses

of the war, &c.), should be referred to the Government of the United States or any department thereof, I am strongly inclined to believe that the proposition would be accepted by all the belligerents.

Mr. Pettis, our minister to Bolivia, who feels a deep interest in bringing about peace, and has, as he informs me, learned through the correspondence with Mr. Osborn at Santiago, that he also is very desirous of the same result, telegraphed me on the 8th of this month from Puno (on the shore of Lake Titicaca), requesting me, at his expense, to meet him at Mollendo (on the coast), "in the interest of peace," and to telegraph him at Arequipa, &c. I telegraphed him at Arequipa that I could not come, but that I should write him at Mollendo, which I did on the 9th (which was the first mail). And as that letter shows my reasons for not complying with his request, I inclose a copy of it, without (otherwise) repeating the reasons for declining to go. I will say, however, that before receiving the telegram of Mr. Pettis I had ascertained exactly the position of the Peruvian Government in reference to the only basis upon which (in the present condition of affairs) they would be willing to enter upon negotiations looking to a termination of hostilities, but I was entirely ignorant of the disposition of Chili, and if I could have been assured that Chili was ready to make a proposition for negotiations upon the only basis which Peru would (under present circumstances) entertain, I might have ventured to meet Mr. Pettis at Mollendo, as proposed by him.

On the 18th, Mr. Pettis came to Lima, and I called upon him at his hotel and invited him to the legation, an invitation which he accepted. He seemed to feel very sanguine that by our efforts a peace might be effected. But, though he had corresponded on the subject with Mr. Osborn, he could give me no definite information as to the terms upon which Chili would be willing to enter upon negotiations to that end.

But I went with him to the minister of foreign affairs of Peru, who fixed a meeting for 2 o'clock p. m., of the 18th, which we attended. Mr. Pettis then explained his interviews with the Bolivian authorities, and presented the paper showing the result, a copy of which I here inclose (marked Exhibit No. 2, which is a translation by the interpreter for the Bolivian Government), and he submitted the questions: 1st. Whether, if our minister in Chili could give assurance that Chili would be willing to accept a proposition for peace upon the basis indicated by that paper, Peru would be willing to take the first step by offering to Chili such a proposition? 2d. If not willing *to make* the proposition, would Peru *accept* it, if Chili should propose it?

The minister of foreign affairs asked time to consult the other members of the government, and appointed 9 o'clock in the evening of the same day, at his room at the palace, to give an answer. We met as proposed, and the minister then assured us that if Chili should make the proposition the basis indicated by the Bolivian authorities (as stated in the inclosure herein, No. 2), Peru would accept; but that, considering the mode in which Chili had brought on the war (I give the substance, not the exact words which were given through an interpreter), Peru could not consent to *make* the proposition. This I thought sufficiently specific. But Mr. Pettis then drew up two questions in writing, which he asked the minister to answer; the first of which was the same to which he had already given a direct affirmative answer, and to which he again answered in the affirmative. The second question was drawn in words which I did not consider very clear or definite, but which, as verbally explained by Mr. Pettis and myself through the interpreter (who is an attaché of the Peruvian legation in Bolivia, and had accom-

panied Mr. Pettis), this second question was precisely to the effect of question No. 2 herein inclosed (marked inclosure No. 4); and to this question, as thus interpreted and explained to him, he gave an affirmative answer.

I am compelled to say that in conversation with Mr. Pettis after this interview, he persisted in claiming that the Peruvian minister of foreign affairs had given an affirmative answer to the questions which he had proposed to him, and in the form proposed and written by him; but I am also compelled to say that the minister did not answer the last question at all, in the form proposed by Mr. Pettis, but only in the form I have given it in question No. 2, as explained to and understood by the minister.

Another meeting was fixed with the minister of foreign affairs for 1 p. m. of the 19th, but being compelled to go to Callao in the morning, I was not able to get to the palace until 1.20 p. m., when I met the minister and Mr. Pettis, and I do not know what had taken place between them before I arrived. But when Mr. Pettis, at the time of our leaving, assumed to declare to the minister that both he (Mr. Pettis) and myself were confident or had no doubt that Chili would consent to make the proposition or one of the two propositions in question, I felt constrained to say and did say to the minister, that while I hoped for such a result, yet, being without any special information upon the subject, and compelled to judge only from an outside view of the situation, equally known to him, I did not feel the same degree of confidence that my colleague had expressed, though I hoped for the same result. But that while it seemed to me that cool and sound judgment might dictate this course to Chili, yet, in the midst of a war of this kind, the passions as well as the judgments of men must be taken into the account, and that in this view, while my own judgment might satisfy me that it would be well for Chili to make such a proposition, I could not feel any high degree of confidence that the Government of Chili would take the same view.

Mr. Pettis left by the steamer of last evening for the south, declaring his intention to go to Santiago to see Mr. Osborn, and endeavor to persuade the Chilian authorities to make the proposition in question. I sincerely hope he may succeed.

If I could communicate with you by telegraph I should inquire of you whether, if Chili should make such a proposition as that contained in the second question above alluded to, the ministers of the United States would be allowed to meet at Mollendo and to decide upon the question referred to them. But, as little time could be gained by sending you a dispatch by mail to Panama, and thence by wire, and your answer in like manner, and as I have been furnished with no cipher, and the telegram might be made public, I have, for the present, concluded not to attempt this mode of communication.

But relying upon the known desire of the United States to secure peace between these republics, I shall, should Chili make such a proposition, venture to meet the United States ministers to Bolivia and Chili at Mollendo, for the purpose indicated, relying upon your approval of any fair course which may promise the desired result.

But as yet I fear there will be no occasion for me to assume the risk of exercising so questionable a discretion.

Please to accept, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 36.]

Mr. Christiancy to Mr. Pettis.

LEGATION OF THE UNITED STATES,
Lima, Peru, July 9, 1879.

DEAR SIR: Your dispatch received. At present I could not well leave, as I have an extradition case on hand, and other matters which require attention. I feel as anxious as you can to do anything in my power to bring about peace; but without some more definite information than I now have tending to make our efforts available in that direction, I could not properly venture to absent myself from the legation for so long a period as would be required. Please write me fully your views and what you conceive to be practicable, and by what means.

As Chili opened the war by seizing Bolivian territory and declared the war against Peru and took the offensive, it does not seem to me that the allies would be willing to take any steps in advance for peace, nor, without a trial of strength, to consent to any negotiations except upon the terms that Chili should first evacuate all Bolivian and Peruvian territory. But you may have more information than I have upon these matters, and if so, write me fully by next steamer.

I shall always be ready to do all I properly can in the interest of peace.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure 2 in No. 36.]

All under the special condition, not to take any decision or compromise without the knowledge and approval of the Peruvian Government.

The authorities of Chili, civil and military, withdraw from and disoccupy all territory that they have taken possession of upon and since the 14th day of February, 1879, leaving all things in the state and condition they were in previous to the 14th of said month. Then if arbitration is agreed upon, the arbitrators to hear, determine, and decide all matters in dispute between Bolivia and Chili and Peru, and establish the dividing line between the two countries, Bolivia claiming the boundary line fixed by the Chilian constitution, taking into consideration the damages caused by the act of 14th February, and the subsequent aggression claimed by Bolivia, the expenses of the war.

That reference may be made to the President of the United States of America as sole arbitrator, or to the judges of the Supreme Court of the United States of America, or the Ministers of the United States of America, in Peru, Bolivia, and Chili, a decision by a majority of the arbitrators sitting to be valid and binding upon the parties, to be approved in its execution and perpetuity by the President of the United States.

The above is a correct translation.

M. V. BALLIVIEN,
Interpreter.

QUESTIONS.

1. If Chili proposes arbitration upon the terms indicated by the authorities of Bolivia as presented yesterday, will Peru accept?

The minister says, yes.

2. If Chili proposes reference to the parties or authorities indicated in the first question and upon the basis implied in that question, excepting only that the time of evacuation shall be referred to the United States ministers for Peru, Bolivia and Chili, will Peru accept this?

The minister answers, yes.

No. 172.

Mr. Christiancy to Mr. Evarts.

No. 37.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 22, 1879. (Received Aug. 15.)

SIR: I inclose you an editorial from the South Pacific Times of Callao, a paper which represents English opinion here with considerable fidelity;

and you will pardon me for saying a few words in reference to the matter which evidently gave rise to this editorial. I went down to Callao on the morning of the 19th, and called at the United States consulate there, where I learned through the consul and Admiral Rodgers that a Col. Horace N. Fisher was in Callao and about to go up to Lima to see me; that he represented himself as the bearer of important dispatches to me, and either from what he had said, or from what had been inferred by others from the fact of his having brought dispatches, the impression had already gone abroad, and it was generally spoken of by the public, that he had come here as the bearer of important dispatches in reference to an offer of mediation by the United States; and I am under the necessity of saying that his own conversation with me, and with others as reported to me, justified the public in the belief that he had some special mission from our government the object of which was to put an end to the war and restore peace, and that he was going to Chili with that view. And I will say that before receiving and opening the dispatches which he did bring to me, I drew the like inference from his conversation with me, and, under that impression, I conversed with him more freely than I should but for that impression. But when I found that the only papers he had were your dispatch No. 16, and the circular of your department of the 29th May, in reference to leaves of absence, and that he brought no letter from you in reference to himself or his supposed mission, I drew the natural (it may have been incorrect) inference that he was not charged with any special mission, but that he was assuming a consequence beyond what the facts warranted; and, though I treated him civilly, I did not make him a confidant.

He professed a warm solicitude for peace, whichI have no reason to doubt he felt; if he did not, he is the only American, I may say the only citizen of a neutral nation, I have seen here who did not strongly feel that desire.

He went south on the same steamer with Mr. Pettis, and if they can either or both succeed in contributing to an early peace, they will deserve the warmest thanks of all who take an interest, as I do, in the prosperity of these republics.

If I have drawn a false inference in reference to Colonel Fisher, you will, I know, pardon me, under these circumstances, for the innocent mistake.

Please accept, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 37.]

[Extract from the South Pacific Times, Callao, Tuesday, July 22, 1879.]

Colonel Fisher was among the passengers who arrived here by the Lima on Saturday. This gentleman is a special messenger from Washington to this country and to Chili, and bearer of dispatches to both these governments, offering the mediation of the United States Government in the present unnatural quarrel in which they are engaged. We sincerely hope the mission of Colonel Fisher will not be unattended with success, for there can be no denying the sincerity of purpose which prompts the great republic to action; not that the same might not be said of European governments, whose intervention would not be less earnest nor less sincere, but the interference of the United States will perhaps be more acceptable; and the presumption may be more generally and, perhaps, more justly entertained, that it is better interested nations, or those nations whose subjects have millions invested in these countries, should not be arbitrators. For instance, let us, for a moment, look at the proposition just made in France; it is to the effect that the bondholders unite to defray the expense of the war for Chili, on the condition that they are protected by Chili in getting paid

on their Peruvian bonds from the proceeds of the guano and nitrate, and that they be reimbursed from the same source the war expenses so to be advanced. This proposition would be acted upon had the English bondholders agreed to it. We allude to this point simply in illustration of the fact that there is less likely to be confidence where there is interest, or where disinterestedness cannot reasonably be expected to prevail. Under the circumstances, therefore, we think the United States is unquestionably the best nation to intervene, and has already acted for Peru, if not for Chili likewise, in reference to the political relations existing with Spain. Colonel Fisher presented his dispatches here on Saturday, and the same evening left for Chili with the same object. We have heard the opinion of one worthy of respect that an armistice is very likely to follow the presentation of the dispatches, so as to allow time for agreement as to the conditions of peace. We hope this may be so, for blood enough has been shed, and the wounds to national honor had better be healed now than later—the sooner the better.

No. 173.

Mr. Christiancy to Mr. Evarts.

No. 39.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 23, 1879. (Received August 15.)

SIR: I have the honor to inclose copy of my letter of this date to Mr. Merriam, our consul at Iquique, together with an extract of the letter of the consul to me of July 10 (his No. 38), in reference to the right of the Chilian fleet to prevent the shipping of nitrates from Pisagua.

As to the circumstances going to show whether the blockade of Iquique had been raised, you will find them stated with substantial accuracy in my dispatch No. 34 (July 15), except that I inadvertently, in that dispatch, stated the date of the transaction as the 12th when it was in fact the 10th of the present month; and I ask that the correction be made in that dispatch.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 39.]

Mr. Christiancy to Mr. Merriam.

LEGATION OF THE UNITED STATES,
Lima, Peru, July 23, 1879.

SIR: Your two notes of the 10th instant (Nos. 38 and 39) received.

As to the blockade, you are undoubtedly right in your conclusion (stated in your No. 39) that, upon the facts stated by you, and as appears by all the accounts I have seen, the blockade has not been raised. The whole proceeding must be treated rather as an unsuccessful attempt to raise it.

As to the other matter mentioned in your No. 38, the question of the right of the Chilian fleets to prevent the loading of nitrates at Pisagua, I will say that I do not think those nitrates, considered with reference to their agricultural use and their destination to European ports, can be treated as contraband of war, properly so called; and if the nitrate-beds are owned by individuals and worked on their account only, I do not think the Chilian fleet could lawfully prevent such commerce by neutral vessels in any other way than by establishing an effectual blockade of the port.

But if the nitrate-beds are owned or worked or the nitrate shipped on the part of the Peruvian Government, so that the proceeds or part of them go into the Peruvian treasury, then I am inclined to think the Chilian fleet has, under the laws of war, a right to stop that commerce if they can, and to use any means for that purpose properly calculated to reach the end, such as preventing the loading of vessels or destroying any of the works or lighters used in loading, after having notified the neutral vessels to leave or cease to load. Nevertheless, should such a course be attempted by h e Chilian fleet towards the American vessels, it might be well for you to protest in

due form against such proceeding, so as to save any rights which American ship-owners or American citizens engaged in that commerce may in the end be found to have. Such protests can do no harm, and it is better in such circumstances to err by claiming too much than too little.

I am, &c.,

I. P. CHRISTIANCY.

J. W. MERRIAM, Esq.,
United States Consul, Iquique.

[Inclosure 2 in No. 39.—Extract of letter from United States consul at Iquique of July 10, 1879.]

As the mail closes in a few minutes, I have only time to add that I have just been informed that Commander Simpson, of the Lord Cochrane, verbally notified the captain of the American brig Mary Greenwood, on the 1st instant, at Pisagua, where she is taking in a cargo of nitrate of soda for the United States, that she will not be allowed to continue loading after the 15th instant, and that if he finds her in port after that date he will take her to a Chilian port and confiscate her cargo.

It is said that the Chilian commander would not give any written order, and that he inquired particularly as to whether the Peruvian Government was the owner of the nitrate, and that the captain would only reply that he was chartered by Grace Bros., of Callao, and that he was ignorant of the ownership of the cargo.

I am waiting for an official statement of the facts from the agent of the Peruvian Nitrate Company, before taking action in the matter, and am also endeavoring to find out whether nitrate of soda can be considered contraband of war.

I shall keep you informed on the subject.

No. 174.

Mr. Tracy to Mr. Evarts

[Translation.]

LEGATION OF PERU,
New York, July 24, 1879. (Received July 25.)

SIR: I take the liberty to call your excellency's attention to a matter which is of vital importance to the interests of Peru, and which likewise affects, in no small degree, those of the commerce of this country. I refer to the interruption of free transit across the Isthmus of Panama of materials which are recognized by the Government of the United States as being articles of lawful commerce.

I do not doubt that the consular officers of this republic on the isthmus, and the representatives of the Panama Railroad Company, as also perhaps more than one of the commercial houses of this country whose interests are jeopardized by the decision of the Government of the State of Panama of the 26th of June last, have laid before your department such protests as they have considered proper and necessary. Notwithstanding that, I must not remain silent when a question is at stake whose decision is now of transcendental importance to Peru.

The Government of Panama having consulted the federal government of the United States of Colombia with regard to the transportation of arms and other elements of war *via* the railway across the isthmus, the executive branch of the Government of Colombia, under date of the 2d of June last, rendered, through the secretary of the interior and of foreign affairs, the decision which I inclose to your excellency. It is taken from the Panama Star, and is marked A.

This decision, which is worthy of the government of a nation that

respects its treaty stipulations and the principles of international law, appears to have been misinterpreted by the government of the States to which it was addressed, that it might serve as a guide for that government's actions, as your excellency will see by the decision published on the 26th of June last by the said government, a copy of which I inclose, which is also taken from the Panama Star, and marked B.

The decree of the federal government states that the Panama Railway has been declared to be an absolutely free highway for the commerce of the world, with exoneration from the duty of inquiring into the origin, nature, and destination of the goods passing over it; and it only prohibits citizens of Colombia from carrying on a direct trade in articles of war with the belligerents, whereas the decision of the State government absolutely prohibits native citizens and foreigners from shipping munitions of war to the belligerent nations, and refuses to grant them the right of forwarding such articles to neutral ports without previously furnishing security to the satisfaction of the Government of the State of Panama.

A perusal of these two decisions is sufficient to show how contrary to the intentions of the Federal Government of Colombia has been the action of the President of the State of Panama, who being actuated, as is to be hoped, by the most sincere desire to observe a strict neutrality, has nevertheless succeeded in dealing a blow to the allied republics whose consequences it is difficult to foresee. To obstruct the passage across the isthmus is to deprive us of the only means that we now have to procure the articles which we most need, while our enemies have Cape Horn and the Straits of Magellan for all that they require; and it is an act on the part of the Government of the State of Panama in favor of the republic of Chili, which can only be considered as a violation of all neutrality.

The minister of Peru who is accredited at Bogota will present to the Government of the Colombian Union the energetic protest which is deserved by a decision of the character of the one to which I refer, and I do not doubt that that enlightened government will hasten to issue such orders as it may deem suitable to remedy, so far as possible, the injuries that have been occasioned by the action of the Government of the State of Panama.

For my own part I feel that I should be wanting in the performance of my duty, and that I should render myself liable to the well-deserved censure of the government that has honored me by appointing me to the office which I now hold, if I failed to call your excellency's attention to this matter, protesting, as I hereby do protest, in the name of the republic of Peru, against this interruption of free transit across the Isthmus of Panama; not doubting that the Government of the United States will find means to protect its numerous citizens who, dealing in goods which are recognized as articles of lawful commerce, are now embarrassed and threatened with grave injury on account of the causes to which I have adverted; and by the mere act of protecting the interests of your citizens, your excellency will, at the same time, render a service to the allied republics, without violating the neutrality which it is proper for you to observe towards the belligerents. Peru will appreciate this as a fresh evidence of the friendship and good will which have so often been manifested towards her by this government.

The undersigned chargé d'affaires has the honor, &c.

JOSÉ CARLOS TRACY.

[Inclosure No. 1.—Translation.]

Resolution of the national government.

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF PANAMA—EXECUTIVE POWER—OFFICE OF THE SECRETARY OF STATE IN THE DEPARTMENT OF GOVERNMENT—SUB-DEPARTMENT OF NATIONAL AFFAIRS.

PANAMA, *June* 20, 1879.

SIR: In a telegram dated the 10th instant, at Bogota, the minister of foreign affairs transcribes the subjoined resolutions, dictated on the 2d of the same month by the executive power of the union:

"In view of the appeal made by the government of the state of Panama as to the transit of arms and other war material over the Colombian Interoceanic Railway, with presumed and probable destination to the republics of the Pacific, whose friendly relations have unfortunately been broken, it is considered—

"1st. The railway between the Atlantic and Pacific Oceans has been declared by the Colombian Government to be an absolutely free highway for universal commerce, which freedom implies the exoneration from duty of inquiring into the origin, class, or destination of goods passing over it.

"2d. There being no custom houses at the ports of Colon and Panama, the surveillance of goods passing over the transit as proposed is indispensable, but would be manifestly inconvenient and defective.

"3d. On this supposition, it would be necessary to allow the transit of war materials as articles of commerce, provided they were manifestly under destination to neutral ports of any of the republics on the coast of the Pacific which might originate a traffic which would for the moment favor either of the belligerents.

"4th. The republics of Chili, Peru, and Bolivia being at war, the policy of Colombia, as a neutral power, should be made known to the agents of the government, and consequently it is resolved—

"(*a*) The Panama Railroad shall serve for the transit of universal commerce, without any limitation whatever as to the origin, class, or destination of the goods.

"(*b*) The transit of troops of any of the belligerents shall not be permitted through the territory of the union, nor the storage within its ports of booty or reprisals, whose capture shall not have been perfected before their arrival in its waters; nor the landing of prisoners, except to restore them to liberty.

"(*c*) It is not lawful for citizens of Colombia to trade with the belligerents in arms, munitions of war, ships, or other elements immediately applicable to the uses or purposes of war.

"(*d*) The shipment of salt, water, provisions, and all kinds of merchandise of lawful commerce destined to the countries at war, shall be allowed at Colombian ports, provided they are not forwarded to blockaded ports or intended to supply the war ships of any of the belligerents.

"(*e*) It is absolutely forbidden to aid the belligerents with troops, or allow their ships to be stationed at Colombian gulfs, bays, or inlets, for the purpose of watching the enemy's ships or of sending boats to capture them.

"(*f*) In cases of doubt the agents of the government shall be guided by the stipulations of existing treaties celebrated by the republic; and in the absence of these, by the rules of international law."

I have the honor of transcribing the foregoing for your knowledge and guidance.

I am, sir, your obedient servant,

JOSÉ MARIA ALEMAN.

[Inclosure No. 2.—Translation.]

Resolution of the state government.

RESOLUTION.

OFFICE OF THE EXECUTIVE POWER,
Panama, June 26, 1879.

In view of the communication addressed, June 23, by the consul of Chili in this port, and in view of the resolutions dictated, on the 2nd instant, by the federal executive power, and communicated to the government of the state of Panama, in a note from the secretary of the interior and foreign relations dated the 5th instant, No. 65, section 1, and containing prescriptions relative to the neutrality which this republic is bound to observe, in accordance with public treaties and international law, in the

war which has broken out between the republic of Chili and those of Peru and Bolivia, and considering:

1st. The republic of the United States of Colombia, friendly to the belligerent nations, must maintain strict neutrality in the struggle between them, and which American hearts deprecate;

2d. That neutrality consists in favoring neither belligerent to the prejudice of the other, thus preserving cordial relations with both of them;

3d. That the rules relative to the internal strife in the nations bordering upon Colombia, and which are comprised in federal law No. 22, of 1871, relating to frontier regulations, are equally applicable in cases of international war;

4th. That the executive power of the union has decided it to be unlawfu lfor the citizens of Colombia to trade directly with the belligerents in arms, munitions of war, ships, and other elements immediately applicable to the purposes of war, which prohibition naturally extends to foreigners domiciled in the country, and to all mercantile operations in such elements, and with such destination within the territory of the republic;

5th. That the executive power of the union has expressly declared that it is lawful only to ship salt, water, provisions, and all kinds of merchandise of *lawful commerce*, destined to the countries at war, provided they be not forwarded to blockaded ports, to supply the war vessels of either of the belligerents;

It is resolved—

1st. It is absolutely forbidden to ship at this port, under destination to ports of either belligerent on the coast of the Pacific, canons, arms, munitions, and other articles considered as contraband of war.

2d. The shipment of articles mentioned in the preceding clause, with destination to the ports of the non-belligerent countries, shall be allowed, provided the shippers guarantee in a satisfactory form that such articles shall be landed at the port or ports to which they are destined according to the respective declarations.

3d. Let the foregoing be communicated by the executive power of the Union to the superintendent of the Panama Railroad Company, and to the inspector of this port, and let it be published.

JERARDO ORTEGA.

The secretary of the government.

JOSÉ MARIA ALEMAN.

No. 175.

Mr. Christiancy to Mr. Evarts.

No. 41.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 30, 1879. (Received August 22.)

SIR: I have the honor to inclose to you, 1st, the letter of Mr. Merriam, our consul at Iquique, of the 17th instant; 2d, extract from his letter of the 21st instant; and, 3d, a copy of my answer to those letters.

I also inclose copies of the correspondence between the consul, as dean of the consular corps, and the Chilian admiral, in reference to the bombardment of Iquique, first in Spanish and second by translation.

This correspondence, as well as that between the consul and myself, will explain itself.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 41.]

Mr. Merriam to Mr. Christiancy.

CONSULATE OF THE UNITED STATES,
Iquique, July 17, 1879.

SIR: I have the honor to inform you that the Chilian fleet bombarded this town last night between the hours of half-past seven and half-past nine, having fired in all forty shots.

This act of barbarism was committed without previous notice upon a town containing thousands of defenseless inhabitants, including women and children, of whom some of the latter fell victims to the murderous assault. The exact number of casualties is not known at the hour of writing, but it is thought to be small. Two of the national guards were killed outright. A shot struck the custom-house, passing through one of the windows of a room where a few minutes before the Chilian officers, prisoners of war, were confined. It then burst, passed up through the ceiling into the room above, where a group of Peruvian officers were seated, slightly wounding three of them, and finally passed through the southern side of the custom-house. Other buildings in different parts of the town were also seriously damaged, and one, at least, completely destroyed. Among those damaged may be mentioned the dwelling-house attached to the gas-works, and the buildings and large tank of the Arica Water Company, the property of English citizens.

The mutilated remains of two small children have been found in the outskirts of the town.

As dean of the consular corps, I have called the body together to meet at twelve o'clock to-day, to take action in the premises, to protest against the act of barbarism, and if possible secure immunity against its repetition.

As the mail is about to close, I have not time to send a dispatch to the Department, and would be greatly obliged to you if you would embody in one of your dispatches the fact of the bombardment. If we had had a foreign man-of-war in port, I do not think that the scandalous event would have happened.

J. W. MERRIAM.

[Inclosure 2 in No. 41.—Extract of letter from J. W. Merriam, United States consul at Iquique, July 21, 1879.]

To the last note of the consular corps of the 19th instant, no answer has as yet been received. The absence of the signature of the French vice-consul on the protest and on the subsequent note is explained by the temporary absence from town of that gentleman.

With reference to the assertion of Admiral Williams that torpedoes were employed against one of the vessels of his command on the night of the 8th instant, and also against the Blanco Encalada, on the night of the 16th instant, I will state that General Buendia has most solemnly assured me that on neither of these occasions, nor on any other, have torpedoes been employed against the Chilian vessels in Iquique. We, as members of the consular corps, did not feel it incumbent upon us to deny the truth of the statement of the Chilian admiral on this point, for no assertion of ours would be taken as evidence in a matter in which we cannot be considered competent witnesses; you will also observe that, in the only allusion which we have made to the charge referred to, we have made use of a saving clause, which shows that we do not concede the fact of the employment of this weapon.

On the points of law which we have tried to make, I should be very glad of your opinion, and particularly as to whether the Chilian commander is not bound, by principles of international law and by the usage of civilized nations, to give sufficient notice of his intention to bombard, to allow neutrals and other non-combatants to leave the town, no matter what provocation he may think he has for resorting to this extreme measure.

With reference to Admiral Williams's statement that, from humane motives, he directed that the shots should be fired at a great elevation, it is difficult to understand why, if he was actuated by such humane sentiments, he should have fired at all, or, at least why he should have expended more than forty shots, a large number of 250 and 300 pounds, upon a defenseless town, and at night, and still at such a low elevation as to cause destruction of property and loss of life in various parts of the town.

Moreover, the most convincing proof of all that his intention was to destroy the town is to be found in the fact that many of the missiles were filled with explosive substances, which only failed to set fire to the town from the fact that the wooden walls of the houses, from their thinness, did not afford sufficient resistance to cause their explosion. Several of these shells were picked up in a perfect state and carried to General Buendia, who caused them to be carefully emptied, and found them to contain, among other things, resin and sulphur.

I cannot doubt that this act of vandalism will be condemned by the civilized world, and although I fear that an offer of mediation would not be accepted by Chili, still I cannot help expressing an earnest wish that the friendly intervention of the United States might be accepted and thus put an end to this war of aggression and conquest, for which Chili alone should be held responsible.

[Inclosure 3 in No. 41.]

Mr. Christiancy to Mr. Merriam.

LEGATION OF THE UNITED STATES,
Lima, Peru, July 30, 1879.

SIR: Your two letters of July 17 and 21 (Nos. 40 and 41) received. I shall write to the Department to-day giving the information contained in those letters, with extracts from them.

I will only say here that you did well in placing your protest upon the distinct ground of the assurances given by the admiral to the consular corps on the 6th of April, which, being public and known to the people of the town, they (as well as the consular corps) had a right to rely upon those assurances. If no such assurances had been given, the case would have been very different. This town being occupied by, if not the headquarters of, the military forces of Peru and Bolivia, the Chilian fleet undoubtedly had the right to attack and even to destroy the town itself, according to the laws of war. And such occupancy by the military forces of the allies might itself be looked upon as notice to the inhabitants that if they continued to reside in it, they must do so subject to all the risks of war; and that among these risks is that of a bombardment, and though, even without the assurances of the 6th of April, humanity might dictate that a notice should be given before opening fire, so that the peaceable inhabitants might fly from the danger, yet this would not have been imperative according to the laws of war. But the attacking party must be allowed a liberal discretion in judging of the exigencies which justify the omission of such notice.

The case is quite different from what it would have been if the town had not been held or controlled by the military forces of the allies, and had been occupied by peaceable inhabitants only.

And in the present case what I have said of the inhabitants applies equally to the people of other (and neutral) nations there residing and to their property. By continuing their residence in such a place under such circumstances, they all equally assume all the risks incident to the situation, and the attacking party are not bound to make (and practically could very seldom make) any discrimination.

It is, therefore, the violation by the admiral of the assurances he had given on the 6th of April, which alone can be held to have constituted the bombardment without notice an act of vandalism, and a violation of the laws of honorable warfare. And the merits of the question must depend upon the validity or sufficiency of the excuse which he alleges, the attempt to use torpedoes against his vessels. Opinions might differ as to the validity of this excuse, if true. For myself I should not consider it a valid excuse for the neglect to give *any* notice; but if the excuse which he alleges had no existence *in fact*, then I think all would agree that the admiral had violated the rules of honorable warfare, unless he was himself deceived as to the facts; and in this view I regret that you did not in your note to him of July 19 either deny, upon information and belief, the use of torpedoes as alleged by him, or protest that you were ignorant of the facts so that you could not be held to have admitted it, as I fear will now be held to be the effect of the correspondence when taken together. But this effect will be removed if hereafter it should be made clearly to appear that the excuse alleged did not exist in fact.

I. P. CHRISTIANCY.

J. W. MERRIAM, Esq.,
United States Consul, Iquique.

[Inclosure 4 in No. 41.—Translation.]

The Consular Officers at Iquique to Commander Rebolledo.

[From the South Pacific Times, Callao, Tuesday, July 29, 1879.]

IQUIQUE, *July* 17, 1879.

SIR: We have not forgotten the distinct declarations that your honor was pleased to make on the 6th of April to the delegates of the consular corps, and, in view of the confidence which those declarations merited from us, we could never have imagined that events would happen in direct contradiction to the guarantees spontaneously offered by your honor.

Contrary to all our expectations, last night, for the space of two hours, for motives that we fail to understand, and without prior warning as required by international law, the vessels under your honor's command threw a considerable number of cannon-shots into this town with disastrous effects, various defenseless people, old men,

women, and children, and several neutral persons having been killed, and some private property belonging to foreigners, of whom, as your honor must be aware, the majority of the inhabitants of this town is composed, destroyed.

The protection of the lives and interests of our respective countrymen being encharged to us, in fulfillment of the duties of our trust, at a special meeting we have unanimously resolved to protest, as in due form we hereby do protest, against the bombardment of last night as unjustifiable and contrary to the most sacred and current practices of international law, and throw the responsibility of the consequences to which this act may lead upon your honor.

We remain, &c.,

J. W. MERRIAM,
Consul of the United States of America, and senior member of the Consular Corps.
MARCOS F. AGUIRRE,
Ecuadorian Consul.
JUDALECIO GOMEZ,
Consul of the Argentine Republic.
HERMAN J. SCHMIDT,
Consul of the Austrian-Hungarian Monarchy and Acting Consul of the German Empire.
M. JEWELL,
Acting Vice-Consul of Her Britannic Majesty.
HUGO ROSSI,
Consular Agent for Italy.

To the COMMANDER-IN-CHIEF *of the Chilian fleet in this harbor.*

Commander Rebolledo to the Consular Officers at Iquique.

ON BOARD OF THE IRON-CLAD BLANCO ENCALADA,
Iquique, July 17, 1879.

Mr. CONSUL: I have had the honor of receiving the protest-note of the consular corps resident in this port, and shall lay same before my government by the first opportunity.

In the mean time I consider it right to assure your honor that I do not deny the fact of my having offered the consular corps that, in the event of the circumstances of war obliging me to bombard this place, I would, with due anticipation, notify the consular corps of same, for the personal safety and interests of their countrymen. And I possess the satisfaction, Mr. Consul, of having acted strictly in accordance with my promise, in spite of the hostile acts of the military forces on shore, practiced against the corvette Esmeralda, during the first naval engagement, and the attempted destruction of one of the ships of the fleet under my command, by means of a torpedo on the night of the 8th instant.

The repetition, however, last night of the latter act against my flag-ship, authorized me, in fact, to destroy the town; but, even then, and solely in obedience to sentiments of humanity, I gave orders that the shots should be fired high, as your honor must have observed.

I deplore the loss of lives of defenseless persons which your honor assures me has occurred; but your honor cannot be ignorant of the fact that the successful exit of the torpedo scheme would have destroyed the lives of numberless persons also defenseless against this treacherous arm of warfare.

Up to the present, the war in which we are engaged has been, for our part, carried on with entire good faith; your honor can assure your countrymen of this, and add that it will be continued in the same way, so long as the enemy do not employ arms of the above kind.

Finally, I must beg to remind your honor that this town, to-day the headquarters of the army, with its fortifications and defenses, has become a military stronghold, and its inhabitants are therefore subject to all the fortunes of war, for which reason I am sincerely sorry that neutral citizens, and very particularly your honor and the other members of the consular corps, over which you so worthily preside, still remain in the town.

With sentiments, &c.,

J. WILLIAMS REBOLLEDO.

To the CONSUL OF THE UNITED STATES OF NORTH AMERICA,
and senior member of the Foreign Consular Corps in Iquique.

The Consular Officers at Iquique to Commander Rebolledo.

IQUIQUE, *July* 19, 1879.

SIR: We have read with careful attention the note that your honor has been pleased to address to the senior member of the consular corps in this port, and after meditating upon all the reasons adduced in justification of the bombardment of the night of the 16th instant, and in support of the right to repeat same in future, whenever the hostilities be renewed which your honor asserts have been put into practice against the fleet under your command, we beg to state that on this subject we are of another opinion.

We do not believe that international law authorizes and makes legitimate the destruction of private and neutral property, as a mere measure of reprisal, but only in the distinct and extreme case where the necessity of bringing the war to a speedy termination or of executing some highly important operation make its destruction inevitable. Neither do we think that this open town can be properly termed a fortified place; but however this may be, and leaving the responsibility of future events to whoever incurs same, we beg to inform you that at the same time that your honor makes use of the power in your hands, after the manner and way in which you may think fit, your honor will be pleased to remember that the same civilized nations which classify a bombardment, when legitimate, as a measure of extreme rigor, stigmatize it as a crime if it is effected without previous warning, however legitimate it may otherwise be.

Trusting in the promise which your honor made us on the 6th of April, indirectly confirmed by the note to which we have the pleasure of replying, we request your honor to be good enough to inform us whether we can assure our respective countrymen that, in the unfortunate event of their lives and properties running the risk of bombardment, this may not happen unawares, but be advised beforehand, according to the practice of civilized nations.

In conclusion, and thanking your honor exceedingly for the interest shown for our personal safety, we hasten to remove the feeling of surprise that our actual presence in this port causes your honor, assuring you that it is explained by the guarantees which your honor gave us; and that the duties of our trusts oblige us to remain where the interests of our countrymen are threatened.

We are, &c.,

J. W. MERRIAM,
Consul of the United States of America, and senior member of the Consular Corps.
MARCOS F. AGUIRRE,
Ecuadorian Consul.
JUDALECIO GOMEZ,
Consul of the Argentine Republic.
HERMAN J. SCHMIDT,
Consul of the Austrian-Hungarian Monarchy and Acting Consul of the German Empire.
M. JEWELL,
Acting Vice-Consul of her Britannic Majesty.
HUGO ROSSI,
Consular Agent for Italy.

To the COMMANDER-IN-CHIEF *of the Chilian fleet in this harbor.*

No. 176.

Mr. Christiancy to Mr. Evarts.

No. 42.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 30, 1879. (Received August 22.)

SIR: The only item of news since my last in reference to the "progress of the war," is this:

The Huascar (the Peruvian turreted iron-clad), after the affair at Iquique, mentioned in my dispatch of the 15th, No. 34, was with the Union, a wooden corvette, dispatched from Arica to the south. They passed around the Chilian fleet blockading Iquique, and went south along the coast of Chili destroying the Chilian launches at Caldera, Carrizal, Huasco, and Pan de Azucar, and on the 25th instant returned

to Arica, bringing in as prizes three sailing vessels laden with coal and copper, and also the large steamer Rimac (formerly running from Valparaiso to Callao, but now used as a Chilian transport), with a whole regiment of Chilian cavalry, fully armed and equipped, and five hundred horses. The privates of this regiment remain prisoners at Arica. The officers were brought here as prisoners last evening. In the mean time the Chilian iron-clads Cochrane and Blanco Encalada seem to be of no use except in the blockade of Iquique.

I have, &c.,

I. P. CHRISTIANCY.

No. 177.

Mr. Christiancy to Mr. Evarts.

No. 46.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 5, 1879. (Received September 4.)

SIR: I have the honor to inform you that President Prado telegraphs from Iquique that the Chilian fleet has voluntarily raised the blockade of that port, and by a subsequent dispatch he says they are at present in Antofagasta.

I have, &c.,

I. P. CHRISTIANCY.

No. 178.

Mr. Evarts to Mr. Christiancy.

No. 29.] DEPARTMENT OF STATE,
Washington, August 8, 1879.

SIR: I have to acknowledge the receipt of your dispatch No. 34, in regard to the blockade of the port of Iquique, Peru.

Your comments upon the subject have been attentively read and considered, and the view formed by you, as communicated in the dispatch concerning the maintenance of the blockade, is concurred in. Your proceedings thus far respecting it seem to be tempered with wisdom and discretion, and meet with approval. If at any time the blockade proves to be ineffectual, and any combined action be taken by the diplomatic corps at Lima judiciously declaring it inoperative, you will promptly unite in the same. The Department in this matter feels that it can place full confidence in your able judgment and long and ripened experience.

I am, &c.,

WM. M. EVARTS.

No. 179.

Mr. Evarts to Mr. Christiancy.

No. 30.] DEPARTMENT OF STATE,
Washington, August 8, 1879.

SIR: I transmit herewith for your information copy of a dispatch * from Mr. Ernest Dichman, United States minister resident at Bogota, recit-

* For inclosure see inclosure to document No. 5. *ante.*

ing the causes which have prompted Colombia to proffer mediation for the settlement of the war between Chili, Peru, and Bolivia, announcing the appointment of Dr. Arosemena, the former secretary of foreign relations of Colombia, to visit Lima, La Paz, and Santiago on a special mission for the purpose of tendering such mediation.

Although abstaining from any direct indorsement of, or co-operation in, this apparently laudable effort of Colombia in the interest of peace and reconcilation, this government, which feels lively solicitude for the prosperity and tranquillity of the South American States, cannot but watch Dr. Arosemena's mission with especial attention. In personal intercourse with the doctor, when he visits Lima, you will probably find a fitting occasion to express to him the warm interest taken by the United States in this tentative step, and the friendly solicitude of this government as to the result.

I am, &c.,

WM. M. EVARTS.

No. 180.

Mr. Christiancy to Mr. Evarts.

(Private and confidential.)

LEGATION OF THE UNITED STATES,
Lima, Peru, August 12, 1879. (Received September 4.)

SIR: I inclose a translation of an article which appears in the Comercio (a leading paper published in Lima) of the 7th instant. I have little comment to make upon it, except to say that, after making due allowance for the habitual tendency of the newspaper press to draw false inferences and even to misrepresent facts, I am not without some apprehension from what I saw of Mr. Pettis here and what I heard from his conversation with others, and his anxious inquiries of my clerk (who speaks Spanish) what the newspapers said of him, that his conversation and conduct in Arica and Pisagua may have justified the honest belief on the part of newspaper men and the public in general that he was, in fact, charged with a special and very important mission to the Governments of Peru, Bolivia, and Chili, and authorized to represent the Government of the United States in all these countries. I do not mean to say that I believe he so *expressly* stated, but that, from his general conversation, hints, professions, and manner, he may have left many of his hearers under an honest impression of this kind. Perhaps all this may do no harm, though it may tend less to sustain the dignity of our country abroad than to gratify personal vanity.

But though I have not made and do not propose to make any intimation to the government here upon this matter, they are not likely to be misled, as Mr. Pettis made no pretensions to them of any such authority, nor do I suppose he has done so to the cabinet of Bolivia or that of Chili.

Of course I do not interfere with the newspaper press here, nor make to them any suggestions upon this or any other subject. But on being inquired of the other day by a representative of the Lima paper known as the Patria, whether Mr. Pettis had any such mission from our government, as stated by the Pisagua paper, I felt bound to say that I was entirely ignorant of his having such a mission; that I knew he was de-

sirous of bringing about a peace between the three republics, and supposed he had gone south with a hope of contributing something to that end; and that I hoped he would be successful. I left the newspaper man to draw his own inferences; and the next day there appeared in his paper an article in which, after quoting the article from the Comercio, with the extract from the Pisagua paper (which I send you), the writer makes the remarks of which I send you the inclosed translation. (Inclosure No. 2.)

For myself, I think it important that no representative of our government should do anything to raise, even in the popular mind here, hopes or expectations not to be realized, nor attempt to commit our government to any course of action, without instructions from the State Department; unless, indeed, it be upon some point upon which he has a right, under the circumstances, to take for granted that our government would approve the action taken, and for this the case must be *very clear*. In this view I wish to qualify the statement made in my dispatch No. 36 (near the close), in which I say that "should Chili make such a proposition" (I should) "venture to meet the United States ministers to Bolivia and Chili at Mollendo for the purpose indicated," &c. I made no such promise to Mr. Pettis, nor was the matter discussed between us, and it occurs to me, on reflection, that if any action of the United States ministers should be in any way dependent upon the United States Government or any of its departments becoming arbitrator between any of these republics, the ministers of the United States have no right to take it for granted, without previous instructions, that our government would accept the position of arbitrator.

If the efforts of neutral nations to restore peace between republics should prove to be a mere farce, I object to making our government play the part of chief harlequin in such a farce.

I have the honor, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1.—Translated from El Comercio, August 7, 1879.]

THE UNITED STATES AND THE WAR.

Through a private letter from Arica of the 2d of August, we receive the following information:

On the 23d the North American minister who comes on a special mission to the three republics arrived here, and as that same day General Daza had gone to Pisagua, the minister could only have an interview with General Prado, with whom he remained in conference during two hours, without it being possible for us to arrive at the result of the interview.

The minister continued his voyage to Pisagua where he met General Daza, as you will see from the inclosed cutting from a newspaper, and lastly he left for Chili, where he will arrive on the 28th or 29th.

The Pisagua paper cutting referred to is dated the 24th of July, and reads as follows:

"The illustrious General Daza received a telegram informing him that the minister from the United States of America to the Governments of Bolivia, Peru, and Chili, Mr. Newton Pettis, had arrived at Arica just as the Pilcomayo was leaving the port, and that he had business of high importance for which he had to consult with the chief of Bolivian Republic, and the latter resolved to await the steamer of the next day to please the minister. And, as was expected, at eight o'clock this morning he arrived in this bay, where he was received by the body of aids-de-camp of General Daza.

A private interview took place and as we believe it would be an obstruction to the interests of the belligerents, we cannot publish the result of it, more so as we have not been able to learn it in its details, but we are led to believe that very complicated interests are at stake, that General Daza has directed them towards the welfare of his country and that of the republic to which he is united by treaties."

[Inclosure No. 2.—Translation from La Patria, August 8, 1879.]

* * * Without pretending to assert, we believe that there is more illusion than reality in all that is asserted in reference to the said interview.

First. It is inconceivable that the Government of the United States would especially commission its consul-general and minister resident in La Paz for negotiations that it could intrust to its Plenipotentiaries Christiancy and Osborn, residing now in Lima and Santiago, they being in constant communication with their government, and held in the highest esteem.

Mr. Pettis, residing in Bolivia, was doubtless not the best qualified to treat with Generals Prado and Daza, and we doubt that it would occur to the government at Washington to seek in a consul-general what would be easily obtained of its envoys extraordinary.

Besides, we have motives for believing that Mr. Pettis has no official mission, and, what is more, the United States legation at Lima has no knowledge of the mission that El Comercio believes that gentleman to be fulfilling in his interviews with the generals of the allied army.

No. 181.

Mr. Seward to Mr. Christiancy.

No. 32.] DEPARTMENT OF STATE,
Washington, August 18, 1879.

SIR: I have to acknowledge the receipt of your dispatch No. 37, of the 22d ultimo, upon the subject of the recent visit to you of Col. H. N. Fisher, who was the bearer of certain dispatches from this Department to you.

The discretion displayed by you in your conversation with Colonel Fisher in regard to the existing difficulties between Peru and Chili is commended. Colonel Fisher, though holding an official position under the Chilian Government, is an American citizen, and is deeply interested in the general desire to bring about a peace. He has no official connection with this government, but having recently visited Washington was informed of the desire of the United States Government to lend its good offices towards the accomplishment of that object when it should be probable that such a step would be welcome to both belligerents.

It is probable that Colonel Fisher takes advices from the new Chilian minister here to his government, but upon this point the Department has no positive information.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

No. 182.

Mr. Seward to Mr. Christiancy.

No. 33.] DEPARTMENT OF STATE,
Washington, August 18, 1879.

SIR: I have to acknowledge the receipt of your dispatch No. 36, of the 20th ultimo, with its inclosures, in regard to hostilities now existing between Peru, Bolivia, and Chili. The Department appreciates the efforts of yourself and colleagues in that quarter to effect permanent peace between the belligerents. Your proceedings and suggestions as to the proper course to be pursued in the accomplishment of this object are approved.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

No. 183.

Mr. Seward to Mr. Christiancy.

No. 34.] DEPARTMENT OF STATE,
Washington, August 18, 1879.

SIR: I have to acknowledge the receipt of your dispatch No. 39, of the 23d ultimo, and its inclosures, having reference to the blockade by the Chilian fleet of the port of Iquique.

In reply I have to state that the instructions given by you to Mr. Merriam in reference to the blockade of that port to American shipping are approved.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

No. 184.

Mr. Seward to Mr Tracy.

DEPARTMENT OF STATE,
Washington, August 19, 1879.

SIR: I have the honor to acknowledge the reception of your note of the 24th ultimo, complaining of the interruption of free transit across the isthmus of Panama, by the government of that state, of arms and munitions of war intended for belligerents, as being a violation of neutrality laws, although such shipment is permitted by Colombia and recognized by the Government of the United States as being articles of lawful commerce. You consequently ask that this government will urge that of Columbia to permit the free transportation of such articles in the future.

In reply I have to inform you that the subject of your note will receive careful consideration.

Accept, sir, &c.,

F. W. SEWARD,
Acting Secretary.

No. 185.

Mr. Tracy to Mr. Evarts.

[Translation.]

LEGATION OF PERU,
New York, August 22, 1879. (Received August 23.)

SIR: I take pleasure in acknowledging the receipt of the communication dated the 19th instant, from the Hon. F. W. Seward, acting Secretary of State, whereby he was pleased to inform me, in reply to the note which I had the honor to address to the Department of State under date of 24th ultimo, that the subject of the interruption of free transit, via the isthmus of Panama, of goods recognized by the government of the United States as being articles of lawful commerce, would receive the most careful consideration of that Department.

I thank you for this information, and, at the same time, I am glad to be able to inform you, for such purposes as may be suitable, that I yesterday received a communication from the consul-general of Peru at Panama, bearing date of the 12th instant, in which he states that the Government of the Colombian Union has disapproved the decision of the President of Panama prohibiting the shipment of arms.

I avail myself, &c.,

JOSÉ CARLOS TRACY.

No. 186.

Mr. Seward to Mr. Christiancy.

No. 36.] DEPARTMENT OF STATE,
Washington, August 25, 1879.

SIR: I have to acknowledge the receipt of your No. 41 of the 30th ultimo, covering correspondence passed between your legation and the consul at Iquique on the subject of the bombardment of that place by the Chilian fleet. Your reply to Mr. Merriam meets with the Department's approval.

The view taken by you in regard to the neglect of the admiral of the Chilian fleet to notify the authorities of Iquique of his intention to bombard the place, in order that non-combatants might retire from danger if they so desire, appears to be fraught with sound reasoning, and is believed to be in accordance with public law.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

No. 187.

Mr. Christiancy to Mr. Evarts.

No. 47.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 26, 1879. (Received September 16.)

SIR: Referring to my dispatch No. 36, I have the honor to state that I have not yet heard anything direct from Judge Pettis as to the result of his mission to Santiago "in the interest of peace," but I received on Saturday last (23d) a confidential letter from Mr. Osborn, our minister to Chili, which satisfies me that there is no present prospect of Chili being willing to make either of the propositions alluded to in my dispatch above cited, nor any proposition based upon the *status quo ante bellum*, and, in fact, that no Chilian ministry would, at present, dare to make such a proposition; not that they would object to the United States as arbitrator, if a practicable basis could be found upon which any arbitration could be proposed. But I presume Mr. Osborn has himself written you fully upon this subject, and I need not say more.

In my opinion neither party will be willing to arbitrate at all until one or the other shall have suffered some serious reverse. But when and how either is to be able to reach the other so as to try the arbitrament of arms it is not easy to foresee.

In the mean time it is understood here that the government of Ecuador has been tendering its good offices to bring about an accommodation, but without result. And the United States of Colombia some time since accredited Dr. Arosemena (an eminent and accomplished gentleman, standing high in the estimation of all the belligerents) to the three republics of Peru, Bolivia, and Chili, and it is publicly understood here that the special object of his mission is to offer the good offices of his government for the same purpose. He spent some weeks here, and leaves to-morrow for Santiago and La Paz. But under present circumstances, and until the belligerents have tried their strength, I am satisfied his mission will be without result.

A significant circumstances, however, occurred while he was here, tending strongly to show that Peru and Bolivia, at least, look upon the questions involved in the present war as exclusively *American* questions concerning only American *republics*.

A breakfast was given to Dr. Arosemena by members of the Peruvian Government and leading senators and representatives, in which the minister of Bolivia also took an active part. The invitations to foreign ministers were confined to the representatives of American republics. I attended the banquet, and it was impossible to shut my eyes to the fact that our government was on all hands accorded the pre-eminence, and received the highest respect and the warmest expression of esteem and admiration, many of the speakers declaring that the United States of America had presented the model which they sought to follow; and though, as I was compelled to explain, my position imposed upon me the obligation of reserve and of strict neutrality, and I could not venture to decide or even to discuss the question who was in the right or who was in the wrong in the present unhappy conflict, I could assure them that the people and the Government of the United States highly appreciated and keenly sympathized with the efforts which the South American republics had made and were making to follow our example; that we all felt in some degree responsible, and that our credit was in some manner pledged before the world for the success and prosperity or all these republics; yet I would venture to express the hope that while they sought in the main to follow our example, still there was one thing forced upon us by circumstances beyond our control, in which I hoped they would not feel bound to follow our example, and that was the example and calamity of a great civil war; that the conflict now waging here had many of the revolting features of a civil war; it was waged between people of the same national descent, the same language, the same religion, and many of whom were connected by blood and by marriage and the dearest of family ties; that I hoped the time would soon come when the only contest between them should be, which should best cultivate the arts of peace; which should do most for the development of its internal resources and to promote the confraternity of all.

These sentiments were well received, and I believe there is an anxious desire for peace, but each side fears to make the first advance, lest it should be lowering its dignity; and there is much plausibility in this position on the part of Peru and Bolivia, especially the former, as Chili began the war by the seizure of Bolivian territory, and declared the war against Peru while Peru was making an effort to preserve peace.

I do not go into the merits of the question at all. Bolivia may have been in the wrong in the preliminary dispute which led to the war, and Chili may have been right or wrong in declaring the war against Peru, because of the secret treaty of alliance. These are questions only to be decided by the sword or by arbitration.

But on full reflection, I have thought it best to put you in possession of the real feelings of these governments in respect to the question of peace and the best mode of bringing it about, and to enable you to decide whether it is true policy to tender the good offices of the United States to that end, and whether, should a contingency arise in which the parties should be willing to make our government an arbitrator, it would be willing to assume that most unwelcome and responsible position.

I should have written you this fully two weeks since, but my health, which is still feeble, did not permit.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—Since writing the above, I have received from Mr. Pettis a private pencil note, dated Mollendo, August 23, detailing his attempts at negotiation at Santiago, but as he says that he writes fully to the Department on the same day, I need not go into the particulars. I fear his intense desire to effect a peace makes him take too sanguine a view of the prospect. I. P. C.

No. 188.

Mr. Christiancy to Mr. Evarts.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 1, 1879. (Received September 25.)

SIR: I have the honor to inclose to you the copy of a confidential letter from me to Mr. Osborn, our minister to Chili, dated August 29; also a copy of a confidential letter from me to Mr. Pettis, our minister to Bolivia, of same date.

Both these letters are in answer to confidential letters of the respective ministers to me, which, because they are marked confidential, I do not send copies of, though I presume every fact stated in them will be stated in their respective dispatches to you. I have only marked the inclosed letters confidential because their letters to me were so marked.

Probably this letter, with its inclosures, should be treated as confidential, if not entirely unofficial. I therefore do not number it, as of the regular series of dispatches. But it is for you to decide.

I have, &c.

I. P. CHRISTIANCY.

[Inclosure in Mr. Christiancy's dispatch of September 1.]

Mr. Christiancy to Mr. Osborn.

Confidential.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 29, 1879.

DEAR SIR: Your confidential letter of the 11th instant received.

I am not at all disappointed in the result of the self-constituted mission of our friend Judge Pettis to Santiago. I looked upon the whole movement of his as one of very doubtful propriety which I would not have taken the responsibility to make. But he was so confident and enthusiastic that I felt sure no advice of mine would have been taken against making the experiment; and I was myself so anxious to see a restoration of peace between these republics that I wished, and had some vague hope, that he might succeed, with your aid, in getting the Chilian Government to make some proposition which might lead to peace. But I confess I could not see how it was to be brought about, if it depended upon any action of our government, until it had authorized him or you or some one else to pledge it to such action.

My own deliberate opinion is, and I some time since so wrote the Department, that neither party to this war will be willing to make any practicable proposition for arbitration until one or the other shall have suffered some serious calamity, or until the resources of each shall be exhausted in the effort to bring their armies in contact with each other.

I expect, in the course of a week or two, an answer from the Department to some of my dispatches, which answer will probably give us some definite instructions as to the position our government may be willing to take in this matter.

In the mean time, as it seems to me, our whole duty will be discharged by taking advantage of any opportunity which offers to encourage a disposition for an accommodation of some kind.

If anything occurs here showing any change in the government, as to a disposition for peace, I will let you know as promptly as I can. And I hope you will keep me posted as to any change in the disposition of the Chilian Government.

I am, &c.,

I. P. CHRISTIANCY.

P. S.—I shall send a copy of this letter to the Secretary of State, but not a copy of yours to which it is a reply.

I see by some articles in the Chilian papers that the public there seem to understand that Mr. Pettis rather offensively intimated intervention of the United States. I think this must be untrue, because, however the zeal of Mr. Pettis might lead him to express himself in an incautious or imperfect manner, I cannot doubt that your cool judgment must, in such a case, have compelled you to disavow any such intention on the part of our government, unless you had instructions from the State Department which would authorize such an intimation, of which I am utterly ignorant.—I. P. C.

Mr. Christiancy to Mr. Pettis.

Confidential.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 20, 1879.

DEAR SIR: Your two confidential pencil notes, of the 23d and 26th instant, received.

Though I ardently wished you success in your endeavors at Santiago to bring about peace, I cannot say that I am disappointed at the result. The fact is as, I stated to you when here, that the effort for peace was made at the wrong end of the line. Peru was drawn into this war against her will to comply with her treaty with Bolivia; and Chili declared the war, after seizing from Bolivia the territory which by treaty belonged to the latter. Now whether Chili was, upon the whole, right or wrong, it could hardly be expected that Peru, at least, would make the first advance for peace, as she had attempted the same thing before the war and failed. It seemed, therefore, to me that the first step was to learn whether Chili would consent to make a proposition, and, if she would not, all efforts at peace must be useless until the parties had tried their strength in actual conflict, and one or the other party had suffered some serious reverse, or had so utterly exhausted her resources as not to be able to keep an army in the field. But I was so very desirous to see peace restored between these republics that I felt a most ardent desire that you should succeed in your undertaking, though, as I told you, I did not share your confidence in the result.

I have, more than four weeks ago, written fully to the Secretary of State all the considerations which occurred to me bearing upon the policy of our government offering its good offices for adjustment, and expect an answer, in the course of two weeks, which will show the wishes of our government and the position she is willing to take. I am glad you have also written, and as we have not, without orders from the State Department, any right to pledge the action of our government in advance, all we can do in the mean time is to make the most of any circumstances which may occur to foster any disposition for an accommodation. Please write me often and keep me posted *as to facts.*

Your friend,

I. P. CHRISTIANCY.

SEPTEMBER 1.

P. S.—I must take it for granted that what I see in some of the Chilian papers about your having intimated an intention of our government to intervene must be incorrect; because, as I intimated to you here (when I spoke trying to telegraph by way of Panama to the State Department), and as you also must have realized, no minister of the United States can have the right to bind his government to any course of action in any important matter without previous instructions to that effect. And I must take it for granted that in a matter of this kind, involving the interests of nations, you would naturally feel the necessity of great caution, delicacy, and circumspection; and that you have, therefore, done nothing to justify the representations or misrepresentations of the Chili press.

I. P. C.

No. 189.

Mr. Christiancy to Mr. Evarts.

No. 49.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 2, 1879. (Received September 25.)

SIR: I take the liberty of inclosing to you an editorial from El Mercurio, of Valparaiso, of August 14, and another from La Patria, of the same place, of August 15, 1879, together with translations of each.

You will see by these articles what has been the result of the trip (I cannot say *mission*) of Judge Pettis, to Chili; and, making all due allowance for the errors and misrepresentations of the newspaper press, you may, perhaps, form some probable judgment of the effect of his visit to Chili.

I take it for granted that it is not Mr. Osborn who is referred to, who seems, so far as I am informed, to have commanded the respect of the Chilian Government; and, judging from the letters I have received from him, I cannot think he has said anything to justify the articles which I inclose.

Of the manner in which Mr. Pettis has discharged the delicate duties he assumed by his journey to St. Iago, it is not my province to judge, nor do I here express any opinion further than to say that I cannot believe that he *intended* to threaten the Chilian Government with the intervention of the United States, though it is quite possible his zeal may have led him into some loose or inaccurate expressions which might admit of such construction. But, though ignorant of the actual facts, there is some ground to infer from the article in the Mercurio, especially, that there was or had been some apprehension among the people or some party of the people that the government, the President and his Cabinet, or some of them, were willing to place matters *in statu quo ante bellum* as a preliminary to peace, and to refer all questions in dispute to arbitrators, and that these papers, representing the popular or partisan sentiment opposed to such a proceeding, sought to make that idea as odious as possible by representing the United States as threatening intervention.

For myself, I have not dared to venture upon any such dangerous experiment; but whenever inquired of, by those entitled to know, what position the United States Government was disposed to take, I have frankly stated that, while I knew that our government, as a neutral and friendly republic, regretted the present war and would rejoice to see a restoration of peace, yet that I had received no instructions tending to show any disposition to interfere, in any manner, in the contest or with any question in controversy between the belligerents, nor to volunteer, even by advice as to any particular measure for the restoration of peace. That, judging from the past history of our country and the traditional policy of our government, I could discover no ground for supposing that she would attempt to intervene in the contest; and that, without instructions to that effect, I could not even venture to say that she would be willing to tender her good offices to bring about an arrangement, without some assurance that such an offer would be agreeable to all the belligerents.

But I have ventured to say that while I could not speak officially or give any assurance to that effect, yet, as an individual, I would express the opinion that if all the belligerents should, in any proper manner, express the wish that our government should use its good offices to that

end, I thought such a wish might be complied with. But I have been careful, on all occasions, to say that I have received no instructions upon the subject.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 49.—Translation of editorial of the El Mercurio, Valparaiso, August 14, 1879.]

INTERVENTION OF THE YANKEE GOVERNMENT.

We learned yesterday, from a trustworthy source, that the United States plenipotentiary had passed a note to our government intimating, in terms somewhat accentuated, the necessity of putting an end to the conflict in which we are involved.

If this be true, it would be the right time to tell the great North American Republic that she has completely forgotten her own doctrines and practices, intervening in matters which merely and exclusively concern the three belligerents.

If the mentioned intervention is amicably offered, we must thank them for it, but we must also refuse it as imperative.

If, on the contrary, it signifies an incidental threat, as it is said to be, the repulse should be immediate and clear. No matter in which of the two positions we may place ourselves, the result can only be one and the same. And how could it be otherwise when we are in a position which can only allow a solution by the victory of one or the other of the two contestants? By what other road could we attain peace?

Or does the North American Government believe that we could, to please it, or out of fear of its threats, return to Bolivia the territory that by the irresistible force of rights and events has formed again an integral portion of the republic? Impossible!

The Chilian flag that waves there in testimony of national possession and of protection to the powerful interests rooted in that soil cannot be hauled down until the Peru-Bolivian Army succeed in defeating ours. In this way only could it retire; in any other way, never! never!

And with regard to Peru, how would that peace which the Yankee Government offers us stand? Should we leave without revenge the martyrdom of the heroes of the Esmeralda, and without chastising the treacherous attacks in consequence of which more than four hundred Chilians sigh in painful bondage?

To step back without obtaining at least a partial reparation for so many evils and insults to our country would be an indelible stain for Chili; and Chili does not consent, and will never consent while it has a spark of life, to a single spot on its shield.

The Government of the Great Republic knows us little. It judges, perhaps, our dignity by the number of inhabitants, by the scarcity of our national income, by our relative backwardness in comparison with her. But if this is so, she is greatly mistaken, for though poor and backward and lacking the great resources for defense that the great powers possess, we have always shown, since the day of our emancipation, a patriotism able to face all contingencies, a courage in proportion to the intense esteem of our honor.

It is hard to believe that the North American Government that has always looked with the most absolute indifference on the contests of the republics of this continent should to-day want to enforce itself as mediator in a contest perhaps the most justified (it is so understood on our part) of any that have stained with blood the New World. Since when so much humanitarian zeal, after having looked quietly upon the slaughter in all the South American countries except Chili?

Yesterday only did not Misters Yankees see Paraguay perish after a heroical combat against three adversaries, of which the least strong was a thousand times superior to herself? Well! Why then, did they not use their friendly influence or their coercive threat? When the Spanish squadron bombarded Valparaiso the Great Republic had in the bay the formidable "Mounadnok," nevertheless, Admiral Mendez Nuñez proceeded as if he were the absolute master of the seas. Minister Seward would not even listen, in compliment to Neutrality, to the complaints of the Chilian representative, who, in an unhappy moment, believed that the so-celebrated Monroe doctrine extended so far as to protect a feeble country, a victim of a powerful European nation.

Now, then, if the Monroe doctrine could not cross the Isthmus of Panama whilst a poor American country was being chastised by one that had been its master in the bygone times of colonization; why, then, shall we allow to-day, to the principle of intervention, a principle only used against the weak, so violent an interpretation, founded, it may be, on a humanitarian basis or upon financial interests?

If Chili, as the United States Government cannot deny, is a self-governing country, constituted after the same manner as the other free countries are, it becomes clear that any act of a foreign power, no matter which it be, tending to lessen its liberty,

is an unjustifiable act, an insult not to be tolerated. Rights are equal to the whole of the human family. The small and modest Switzerland is as much master of her freedom to punish those that depreciate her as powerful England is. Belgium and Holland are not more or less on this point than France and Germany. If Chili were only like the Republic of Andorra or San Marino, then could the United States or any other European power justify such an intervention as that of which we are speaking. But, fortunately, we are not so unfortunate as to owe to the pity or the contempt of the world the liberty which we enjoy.

We do not, for a single moment, desire to imagine that the government looks upon this matter in another light than we do. Nevertheless it is prudent to advise it that the moment it should show the least weakness the entire country would hold it to a strict account. National honor is not to be trifled with, and it would be precisely the national honor which would be forfeited by acceding to the suggestions of any nation interested in imposing upon us its will.

Chili does not require tutors; she is old enough to be able to know how to govern herself. If the chief of the state does not believe so, he must from to-day believe the contrary, under the penalty of discovering that a Chilian governor must think as the people he governs think.

[Inclosure 2, in No. 49.—Translation of editorial of La Patria, Valparaiso, Aug. 10, 1879.]

A MEDIATION AS ABSURD AS DANGEROUS.

Conjointly with our colleague of this port, we received yesterday the advice that there had been presented to our government, in an imperative manner, a proposed forced mediation, tendered by the great Republic of the United States.

We will ingenuously say the truth; we gave no credit to the news, reserving to ourselves to qualify it as being of the worst character, and, above all, of more evil consequence than many of the false news which every day some people, with wicked designs rather than a spirit of intervention, spread about the streets.

Even to-day, and notwithstanding the honor it has merited from "El Mercurio" by finding place in its columns, we insist upon denying not only its existence but also its verasimilitude. And, in truth, foundation is not lacking in proof of our systematic incredulity.

It is an established fact, as it is opportunely put forth by El Mercurio, that the benevolent intention of the Northern Confederation and the purposes of the Monroe doctrine have never passed the sphere of beautiful theories in favor of any of the Latin-race countries of the South American continent. The Monroe doctrine was invented solely for Saxons and in favor of Saxons.

To the real and indisputable examples set forth in aid of this thesis by El Mercurio we can properly add other examples, if possible, to those already mentioned.

What has the Monroe doctrine done for Cuba? Has Spain not prosecuted with tenacity her implacable war under the nose of the United States? Has the case of the Virginius been forgotten, from on board of which Spain took out, by means of the Tornado, citizens under the protection of the starry flag, shooting them afterwards, notwithstanding the protest of the commander of the vessel?

What did the United States do for Mexico when the Imperial Eagle was making a prey of the heroic and intrepid Puebla? What did it do for Texas? What has it done for the Republics of Central America in their conflicts with Germany and other European Governments? To fold her arms, and if not co-operating, allowing, at least, the realization of the known maxim *la force prime le droit*, or, let us call it, the right of the strong is the only one possible right.

And, besides, by what privileged reason should the United States be the one who should constitute itself the executor of a forced mediation?

We have not ignored the steps taken by Peru in search of a mediating power and of a mediation. We have followed her step by step in her shameful travels through courts and palaces in Europe, from Holland to Germany, and from Paris to London, receiving everywhere as sole answer to her exigencies silence and disdain.

And what she has failed to accomplish until now by diplomacy, always ready for negotiations with those great powers which has been refused to be taken in hand, and that in a collective manner, by the whole of Europe, and this in an amicable and conciliatory manner, should now come as a *ukase*, unprecedented in the history of America and of the world, by the country who was the cradle of Lincoln and Washington?

It is obvious, and the more it is examined the greater becomes the surprise, and greater still the absurdity of the matter which we are treating, obliged by the necessity of evading its doleful propagation in the public spirit and the discouragement which would be the inevitable consequence, if in reality such mediation had existed, or should ever exist.

And how could it be attempted?

Upon this point we could answer nothing that would not be feeble and pale paraphrase of the opinions and patriotic and eloquent judgment given yesterday in the columns of El Mercurio. For this reason we limit ourselves to repeat with him to-day and with the entire country to-morrow: "*The Chilian flag that waves in the Bolivian territory cannot be hauled down* until the Peru-Bolivian army succeed in defeating ours. In this way only could it retire; in any other way, never! never!!"

One thing only we may add to that patriotic oath, and it is, that even the army defeated, Chili, resuscitating the heroic traditions of Paraguay, would perish as a people before suffering the humiliation and ignominy of an obligatory treaty to which a struggle and a combat had not preceded.

Let us not ramble.

The news that occupy us, though its origin is official, is not only official, but is also absurd. How could Señor Pinto, son of the warrior of Ayacucho and Junin, a near relative of Generals Buin and Yungay, deceive himself so much as to the disposition of the country he governs, and to whom he owes glory, fortune having refused him wealth and prosperity, that he should, even for a moment, admit a hearing of such a mediation. How could Señores Varas and Santa Maria, that fought in one time for Chili and in the name of Chili the colossal English power in the celebrated Whitehead question, hear without rebelling sentiments, and without in that moment abdicating their portfolios, the humiliating proposition of the Washington emissary?

We repeat for the thousandth and last time, there is not, there cannot be, there will not exist the mediation of which we speak. If we should be mistaken, if such news became a fact, we say it ingenuously, we believe that the country, rising like a single man, would make a solemn "auto de fé" of the treaty of mediation, and God grant they stop there and do not incur the temptation of feeding the flames with the authors of the idea. For if it is true that people forgive many mistakes after glory has been obtained—for example, in France Henry IV, Louis XIV, and Napoleon—it is equally true that they are implacable with those that lead them foolishly or carelessly to degradation and shame.

No. 190.

Mr. Tracy to Mr. Evarts.

LEGATION OF PERU,
New York, September 4, 1879. (Received September 7.)

SIR: On the 2d of April last, Señor Alejandro Fierro, minister of foreign affairs of Chili, addressed a note to Señor José Antonio de Lavalle, envoy extraordinary and minister plenipotentiary of Peru, declaring that friendly relations between the two countries were terminated, and handing him his passports.

Five months have barely elapsed since the declaration of war, and I would now respectfully call your excellency's attention to the present state of affairs on the Pacific coast of South America, after first, with your permission, furnishing additional evidence that Chili had no foundation upon which to rest her alleged right to take possession of Autofagasta and the nitrate regions of Bolivia.

In the manifest addressed by Señor Manuel Ingoyen, minister of foreign affairs of Peru, on the 1st of May last, to the Governments of the United States and other friendly nations, he showed so clearly, as I believe, that the Chilian Government in taking possession of the Bolivian coast situate between the 23d and 24th parallels of South latitude, under pretended right of *revindication*, had seized what never had belonged to Chili, nor formed any part of her territory, that it seems to me your excellency needs no further proof that Señor Fierro, to say the least, misstated the case when he alleged in the exposition addressed by him in behalf of the Chilian Government to friendly nations, that Chili had exercised dominion and possession of the territory situated between the 23d and 24th degrees of latitude. Nevertheless, feeling assured that the United States Government desires to hear everything

that may fortify the position of Peru, or her ally, the Republic of Bolivia, or make clearer the real merits of the questions that gave rise to the unfortunate war, which, despite all the efforts of Peru to avert it, is now being waged between Chili and Peru and Bolivia, I have the honor of handing to your excellency herewith a pamphlet containing an article translated into English from "La Revista Peruana," in which the question of the boundaries of Chili in Atacama is considered historically, and proving by official documents and the authority of historians and geographers that since the year 1540, until the present day the southern end of the desert of Atacama, or at least the 25th degree of latitude, has always been recognized as the Chilian boundary.

I will not consume your excellency's valuable time by repeating here any portion of the accompanying pamphlet, which I trust will receive your careful attention, but will simply observe that on page 16 it appears that the distinguished and honorable gentleman, who at present represents Chili at Washington, Señor Francisco Tolano Asta-Buruaga, in his "Geographical Dictionary of Chili," published in 1866, fixes the latitude of the "Bay of our Lady," near the Paposo, or Salt River, the northern boundary of Chili, as 25° 2′; and the entire pamphlet shows the said northern boundary as fixed by Chilian writers, and shown on the maps of both ancient and modern geographies, is the Salt or Paposo River, that is latitude 25°; and consequently the course of Chili in taking possession of the Bolivian coast, situate between the 23d and 24th degrees, under the plea of "revindication," has no justification whatever.

And now I ask your excellency to consider the present condition of the two republics.

The principal events of the war have undoubtedly been made known to your excellency by your diplomatic agents in Peru, Bolivia, and Chili, but with your leave I will recapitulate some of them as briefly as may be, and at the same time beg to hand you herewith three copies of the "Peruvian Mail," a paper published in Lima, which will enable you to form an accurate opinion of the existing state of affairs.

In the number of 23d July last it is reported that—

> Señor Lastarria recently created consternation in the Chilian House of Deputies by making the following remarkable statement: "I wish Antofagasta to be ours, and I believe it will be so by the right of conquest, but not on account of our possessing any legal right to it."

On pages 3 and 4 of the same paper, on page 6 of that of 30th, and on page 3 of that of 13th of August, will be found articles showing the dissatisfaction felt in Chili by public men and the press at the conduct of the war.

On pages 4 and 5 of the last-named paper will be found reports of the serious disturbances in Santiago, Chili, on the 30th of July, occasioned by the indignation of the people when the news of the capture of the "Rimac" was made public. The people shouted, "Down with the government!" "Down with the ministry!" An open-air indignation meeting was determined upon, but before it was organized the people were driven away by a squad of grenadiers, sword in hand. Numbers were wounded by the troops employed in preventing the people from exercising the right of meeting, granted them by the constitution. The scene is described as horrible, neither women nor children being spared.

On the fourth page of the Peruvian Mail of 30th July your excellency will see an account of the bombardment of Iquique by the Chilians on the 16th of July, and copies of the warm protest against the same ad-

dressed by the consular corps to Admiral William Rebolledo, and of his reply thereto. The same paper, on the first page, reports the opening of the Peruvian Congress on the 28th of July, by General La Puerta, acting President of the Republic, and gives the address read by his Excellency on that occasion; also a short account of the successful cruise of the Peruvian vessels Huascar and Union to the Chilian coast, during which they captured the Chilian transport Rimac. The Mail of 13th August, on the fourth page, states that a telegram from Arica on the 12th announces the return of the Huascar from another successful trip; and the paper of July 23 on page 7, says: "The government has found itself compelled to issue a decree prohibiting the prefects of departments and other authorities leaving their offices and coming to Lima with volunteers," whilst in Chili there is evidently a disinclination to join the army, and much difficulty experienced in getting the men that are needed. (See extract from La Patria, of Valparaiso, on page 6 of Peruvian Mail of 30th July.)

One more reference to the accompanying papers, and I will not allude to them again. On pages 2 and 3 (July 23) are given copies of a letter addressed on the 16th of June, by Mr. Jewell, esq., Her Britannic Majesty's vice-consul at Iquique, to Her Britannic Majesty's chargé d'affaires at Santiago, with reference to the treatment of Chilian prisoners by the Peruvians, and of another written by the Chilian minister of foreign affairs, Hon. Jorge Huneens on the 27th June, in which he says: "My government notes with pleasure the courtesy and delicacy with which the Peruvian authorities treat the Esmeralda prisoners."

The Huascar, Union, and Pilcomayo in their several expeditions to the Chilian coast, bearing in mind the various attacks of the Chilian fleet on defenseless ports, such as Huanillos, Pabillon de Pica, and others, might have retaliated by firing upon undefended ports in Chili, but they did nothing of the kind, preferring to observe all the forms of civilized warfare and attack none but armed enemies.

The results of the first five months of the war may be summed up briefly. Chili has taken not one step forward. Her ships have withdrawn from Pisaqua and Majillones, with their boats filled with dead and wounded. She has lost the Esmeralda, and allowed herself to be surprised, on the 10th of July, at Iquique by the Huascar. One of her iron-clads pursued a gunboat (the Pilcomayo) for twenty hours in vain. She allowed the capture of a fine transport, (the Rimac), having on board a regiment of cavalry, 250 horses, 800 rifles, forage, &c. She has bombarded defenseless towns, and finally been obliged to raise the blockade of Iquique.

Peru, on the other hand, has sailed her transports at will, despite her enemy's superior navy, from port to port, carrying troops, arms, and provisions. Her ships have made frequent excursions to the Chilian coast, and while respecting non-combatants and undefended places, they have destroyed many launches and other means of loading and discharging vessels at sundry ports; captured numbers of Chilian merchant vessels, with valuable cargoes, destroyed the Esmeralda, taken the Rimac, forced the raising of the blockade of Iquique, and compelled the withdrawal of the enemy's fleet at Antofagasta.

From the foregoing your excellency will understand, I think, the present position of affairs in Peru and Chili. In the former, the government and the people are in full accord. In the latter, serious discontent on the part of the people and press against the government, and bitter charges by influential papers as to the conduct of the war and the true reasons for taking possession of the Bolivian coast.

Finally, appreciating the uncertain issues of all wars, and knowing that reverses may yet befall them, the Peruvian people have no desire to boast over their successes; and thankful to Divine Providence for His gracious aid thus far, and devoutly praying for the continuance of the same, whilst sincerely deploring that the ambitious and selfish course of the Chilian Government should have forced them into this war, they are nevertheless firmly resolved to sustain their government to the utmost of their ability, but always in such a way that their cause and mode of defending it shall win the approval and sympathy of all civilized nations, and especially is it their hope that they may deserve and secure the good-will of the people and Government of these United States, to which end I shall, with your excellency's permission, endeavor to keep you advised of what is going on in Peru and the adjacent republics in all that relates to the war.

I avail myself, &c.,

JOSÉ CARLOS TRACY.

No. 191.

Mr. Hunter to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, September 10, 1879.

SIR: I have the honor to acknowledge the receipt of your note of the 22d ultimo, advising the Department that you had received information that the Government of the Colombian Union had disapproved the decision of the president of Panama prohibiting the shipments of arms.

Accept, sir, &c.,

W. HUNTER,
Acting Secretary.

No. 192.

Mr. Hunter to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, September 10, 1879.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, with inclosures calling the attention of this Department to the state of affairs on the Pacific coast of South America, and to assure you in reply that the subject shall be taken into due consideration.

Accept, sir, &c.,

W. HUNTER,
Acting Secretary.

No. 193.

Mr. Christiancy to Mr. Evarts.

No. 53.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 10, 1879. (Received October 6.)

SIR: Referring to your dispatch No. 30, of August 8, I have the honor to state that by reference to my dispatch No. 47, of August 26, you will discover that I had anticipated your wishes, to a considerable extent, in

reference to the mission of Dr. Arosemena; and I will now further say that, judging from your general expressions of regret at the existence of the present war between these republics, I felt myself authorized to say, and did say to Mr. Arosemena, that I wished him entire success in his mission, and could assure him that he might count upon the co-operation of the United States (through their representatives in the three republics) in any reasonable measures to restore peace. He is an intelligent gentleman, speaking English like a native, and in my opinion well qualified for his special mission. He was very reserved as to the considerations or means which he expected to employ to reach the desired results, but did not conceal his anxiety to reach that result.

As yet I know of nothing to change the views expressed by me in my dispatch No. 47, but I am morally certain that both Bolivia and Peru desire to restore peace as soon as possible. Both (I think) fear complications which may arise from the action of other governments in South America, and not less the intervention of foreign governments, the results of which cannot be foreseen, and which are contemplated with serious apprehension. The attempt to secure the co-operation of Ecuador with Chili against Peru and Bolivia is understood in official circles here to have proved not only a failure, but a complete fiasco.

But I am satisfied this government is not without apprehension that the efforts now making by Chili with the the government at Rio Janeiro for an alliance against Peru and Bolivia may succeed, in which event it is not difficult to foresee that a general conflagration throughout the South American continent is a probable if not an inevitable result, as Brazil is much the strongest of all the South American powers, has unsettled questions of boundary with most of them, and is not supposed to be specially interested in the preservation of the neighboring *republics* with which she comes in contact, though it must be confessed that, as yet, she has not shown herself specially aggressive as to most of them.

Such an alliance, therefore, as it seems to me, would keep up a chronic state of warfare in South America for years to come, a result which every friend of humanity and progress must regret. It therefore appears to me that the prosperity and happiness of all these governments is likely to be best secured by preserving present boundaries and not allowing any changes except by the mutual consent of the governments of the adjoining countries.

As to *intervention*, I am satisfied that from whatever quarter it might come it would be equally offensive to any of the three republics, except that one (if any) in whose special interest it might be undertaken. And yet, judging from the public press, there is supposed to be some ground for a probable belief of a joint intervention of England, France, and Germany. I do not myself share that belief. But should such a step be in contemplation, or should any government seek to intervene, I have satisfied myself that Bolivia and Peru would welcome any efforts of our government to thwart its consummation; and if we can judge from the tone of the Chilian press (copies of which I sent you last week), Chili would be likely to take a similar view. As to a tender of the friendly offices of our government, or a friendly mediation, it could not of course be considered offensive to any of the belligerents; and I am entirely satisfied it would be received in the kindest spirit (at present subject to the conditions mentioned in my dispatches 36 and 47) by Peru and Bolivia, and know of no reason why it should not also by Chili, unless the unfortunate attempt recently made at Santiago in favor of peace may have created some prejudice.

It would be very agreeable to me to receive some general or specific instructions upon these subjects from the Department for the government of my action.

I have, &c.,

I. P. CHRISTIANCY.

No. 194.

Mr. Christiancy to Mr. Evarts.

No. 59.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 17, 1879. (Received October 7.)

SIR: I have the honor to inclose to you a copy of an editorial in the Comercio of this city, of the 13th instant, with a translation of the same, in reference to the supposed mission of Col. H. N. Fisher.

I have no comments to make except to say that, from all I have been able to observe, the effect of Colonel Fisher's action, his ostentatious pretensions, and the public professions which he made of the importance of his pretended mission, have had anything but a good effect along the coast of Peru and Bolivia, the tendency of his conduct along the coast (whatever it may have been in Chili) having been to place the United States in a ridiculous rather than a dignified attitude, and thus to lessen the influence which our government deserved to have and would have had but for his pretensions. I hope these are the only occurrences along this coast which have had such a tendency.

I have further the honor to say that I am glad to see from your dispatch No. 32, in reference to Colonel Fisher, "the desire of the United States government to lend its good offices" to "bring about a peace." And I am rejoiced to see by your dispatch No. 33 that our government is ready to approve any reasonable and judicious action of her ministers in these republics for the restoration of peace.

No action of mine shall be wanting to contribute to so desirable a result. But I still remain of the opinion I have already several times expressed to you, that no efforts of the ministers of the United States to these republics will be of any avail until the belligerents have tried their strength and one of them suffered serious reverses, or until one or all of them have so far exhausted their resources as to be unable to prolong the contest.

In the mean time I have taken the liberty, in a confidential and informal manner (which I deem much the best in the present stage of the case), to inform the minister of foreign affairs that our government is ready to tender its good offices to bring about peace whenever it shall be satisfied that such a course will be agreeable to all the belligerents.

I will further say that, judging from your dispatch No. 33, and mine, No. 36, to which it is an answer, should all the belligerents signify a willingness to accept the arbitration of the United States, or any department or officers thereof, upon any or all the questions in dispute between them, I shall consider myself authorized to pledge our government to accept that position; unless, in the mean time, I shall receive instructions to the contrary. But I would much prefer more direct instructions, and the probability now is there will be ample time to receive them before such action shall become necessary.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 59.—Translation of editorial from El Comercio, of September 13, 1879.]

Doubts existed in New York as to the truth of the offer made by the Government at Washington to interpose its good offices amongst the republics of the Pacific engaged in the war that Chili has diligently sought and declared without vacillating. One of the reasons upon which these doubts were based was the silence on this subject kept by the Herald, a newspaper which has a service well known to all the world, and whose means of investigation are so efficient that it can know any serious event occurring in the most remote regions, perhaps before and with more precision than those directly interested.

Another cause of these doubts as to the uncertainty of an event that came to the notice of the North American public through Peruvian newspapers was that Mr. Fisher's name, being so little known in the Union, he should have been commissioned to carry the dispatches with which the Washington Government charged its ministers residing in Lima and Santiago to offer its mediation to Peru and Chili. But the doubts were soon dissolved, and the Herald announced that Mr. Horace W. Fisher, a Boston merchant, had been to Washington in June last soliciting an interview with the President and the Secretary of State respecting the commercial relations between the United States and the South American republics; and in consideration of the proposed trip of Mr. Fisher to Chili, he was designated to carry the dispatches that the government of his country had resolved to address to its consuls and ministers in Chili and Peru.

According to the North American press, Mr. Fisher had no other motives to take an interest in the re-establishment of the good relations between Peru and Chili than the desire of favoring the commercial interests between the United States and the republics on the Pacific—interests that affected the personal convenience of the said Mr. Fisher and the possession of several very close relations with the high society of Chili whose statesmen are his personal friends. As it will be seen by the preceding narration there is nothing to be surprised at in the lack of information of the Herald in regard to the mission of Mr. Fisher. It was not officially prepared, and the Washington Government created it and confided it at the instances of the party that undertook it.

The kind of relation existing between Mr. Fisher and the men who, in Chili, are masters of the situation leads us to believe that these are not altogether strangers to the solicitude of the good offices of the United States; and if these offers have not until now had a satisfactory result, it is probably owing to the proposals having been made in a moment in which Chilian pride could not have accepted them without being obliged to suffer a severe blow.

No. 195.

Mr. Christiancy to Mr. Evarts.

No. 61.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 24, 1879. (Received October 15.)

SIR: I have the honor to inclose to you an editorial from the Comercio, of this city, of the 22d instant, in reference to the offer of the good offices of the United States to Peru; also a translation of the same.

This paper is perhaps, properly speaking, the government paper. This editoral is not, however, written by the editor, but I recognize it as from the pen of——, a citizen of the United States, who is the official interpreter for the government and who frequently writes a little for the papers.

You will readily discover that the editoral has two objects; first, to ridicule the course taken by Mr. Pettis and Colonel Fisher; and the second object is to profess an utter indifference whether the good offices of our government shall be tendered or not. This is for effect, especially in Chili, where it seems just now that any interference of our government would be unpopular on the suspicion that it would be in the interest of Bolivia. But I am satisfied beyond any reasonable doubt that both

Peru and Bolivia are very desirous that the United States should interpose their good offices at the first moment when such action would be likely to do good. Both are evidently desirous of peace, and Peru would agree to any reasonable terms satisfactory to Bolivia, in whose behalf she was drawn into the war.

In a long and frank conversation yesterday with the minister of foreign affairs, I again gave him the assurance (mentioned in my dispatch No. 59) that our government was ready to tender its good offices to all the belligerents in behalf of peace whenever there should be good reason to believe that it would be acceptable to all the belligerents. I offered to make this tender formally, and officially, if he preferred; but, like me, he thought best to leave it in this informal shape for the present.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 61.—Translation of editorial from El Comercio.]

Every now and then there springs up anew in our periodical press the idea that the United States are about to offer their good offices in regard to the war which Chili declared against us and which she is carrying on in such an inglorious manner.

This idea, besides being highly acceptable in itself to all those who see in peace the fount of every blessing, professes also the prestige which is imparted by the name of a nation which enjoys our high estimation, not only for its sentiments towards us, but also for the good judgment, or rather the care it exercises in the choice of the agents it sends as its representatives.

Without giving offense to any one, it may be said that among foreign nations one of those which inspires us with most consideration is the American Union, whose commerce we endeavor to attract by all possible means, and which, in all questions of honor and aspirations for the future, is the one which is naturally looked to by the republics of this continent. Hence the mania of bringing up the subject at every step; hence the everlasting newspaper correspondence from the banks of the Hudson, written by well-intending scribes, about "Anglo-American mediation," but which, when wrung out, do not contain one grain of substance.

It chances, moreover, that one of the Washington diplomatists, who is accredited to Bolivia, undertook to gain for himself the credit of making peace between the belligerents by his own efforts, undertaking, on his own responsibility, journeys to this capital and to Santiago, where he succeeded, in recompense of his laudable Quakerism, in unchaining the wrath of a portion of the press, which alleged, and with it the ignorant people, that he was trying to impose mediation by force, while in Lima, perchance, because all were in his secret, his good will was accepted, as was deserved by the nature of his project, by his intentions and the gentlemanly character of the self-acting messenger of peace.

But neither in Lima nor in Santiago was he asked to show the credentials of his mission, which he did not possess, and he was politely treated for his efforts, without taking advantage of them.

Another peaceful dust was kicked up about the arrival of Colonel Fisher, who was said to be the bearer of dispatches from the White House, concerning mediation in the conflict, by the aid of the three American legations in La Paz, Lima, and Santiago. We did not trouble ourselves here to deny this rumor, since it was a matter of indifference to us, knowing, as we did, that the colonel had no mission from the American Cabinet, and that his journey, even though he was the bearer of dispatches on subjects very different from peace, or intervention had for its object the attainment of private interests, or the satisfaction of renewing in Chili friendship with persons who were then in the high offices, whence they were shortly hurled by the ridicule attending the naval operations of Rebolledo and the loss of vessels attributed to the stupidity of the commander-in-chief of the navy, at Valparaiso.

The fact is, in brief, that neither have the envoys of the Union received, up to date, any powers from their government to offer their good offices, nor have any of the Americans who have tried their fortunes in a mission of peace ever been able to present any credentials from the Cabinet, by which they were nevertheless employed for very different purposes. We do not say that they acted wrongly, but only that they proceeded on their own account, without the consent, and, perchance, without even the knowledge of their government.

Only the representative of Great Britain in Lima, the honorable Mr. St. Johns, has, as far as we know, made with sufficient authority a formal proposal in the name of

his government to interpose the good offices of the Queen "before the outbreak of hostilities." Unfortunately, hostilities had not only commenced, but the Bolivian who acted as Chilian admiral had already promenaded along our coast with the incendiary torch in one hand to burn all our unarmed towns, and in the other the fuse of his cannon, with which he assaulted women and children, and fired upon the wagons in which families were fleeing before the modern buccaneers of the Pacific, while the Chilian iron-clads, which have shown themselves so averse to combat, were preventing the shipment of our immense wealth of saltpetre, after destroying the platforms and canals for the lading of guano, and after perfidiously robbing Bolivia of her deposits and factories at Antofagasta.

It is now necessary to state once for all, spite of the kind intentions of unauthorized agents and the cackling of an uninformed press, that the mediation of the United States has never been legitimately offered to Peru, and that well-wishing officiousness must not be confounded with the employment of express faculties, such as are necessary for success in cases like the present.

No. 196.

Mr. Christiancy to Mr. Evarts.

No. 62.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 24, 1879. (Received October 15.)

SIR: Referring to my dispatch No. 53, upon the question of intervention of foreign powers, I have the honor to state, as having a possible bearing upon that question, the fact, which I have ascertained from the most authentic source, that England, which has already upon this coast the Turquoise, a wooden corvette, and the Triumph, a first-class iron-clad, has ordered another iron-clad to this station, which may soon be expected to arrive.

It is true that England has a larger commerce upon this coast than any other nation, but I have not been able to discover that it has been or is likely to be interfered with by either of the belligerents in violation of any principle of the law of nations. But there may be an apprehension that, under the decree of President Daza in reference to privateers, there may result injury to British commerce; and though England has no treaty with Bolivia, I have the best evidence that England intends to claim for her commerce the same advantages in this respect secured to the United States by our treaty with Bolivia.

Bolivia, at present, has no port on the Pacific to which prizes made by her privateers (if any) could be brought for adjudication; and Peru, her ally, having become a party to the treaty of Paris against privateering, it becomes a serious question whether she could lend her ports to Bolivia for such purpose.

My own opinion is that the increased naval force of England on this coast has reference mainly to this question of privateering.

If the Department has any instructions to give me in reference to the probable questions to arise upon this aspect of affairs, I should be very glad to receive them soon.

I am, &c.,

I. P. CHRISTIANCY.

No. 197.

Mr. Christiancy to Mr. Evarts.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 24, 1879. (Received October 15.)

SIR: I inclose you a copy of a private letter, of this date, written by me to Mr. Osborn, our minister in Chili, which will sufficiently explain

itself. In my opinion, Mr. Osborn holds the only key to the present position of affairs in reference to peace. Whether he will be able to accomplish (or whether any one could) anything practical before the parties have tried their strength, is very problematical. But it has seemed to me that the course I have suggested is the only one that offers any prospect of success at present, and that the experiment suggested is worthy of trial in the quiet way which I have suggested.

My letter to Mr. Osborn is marked private, but you are at liberty to treat that letter as well as this either private or official, as you shall think best. I would like to know your determination in this respect, so that I may give it a fractional number, if treated as official, for which I reserve a place in the record, and if treated as official, this letter will be numbered as dispatch No. 62½.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure.]

Mr. Christiancy to Mr. Osborn.

Private, No. 27.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 24, 1879.

SIR: Deeply impressed, as I am, with the importance to all these republics of a restoration of peace between all the belligerents at the earliest possible moment, and feeling alike anxious for the prosperity and progress of all; and believing that you, as an American citizen, must necessarily share the like sentiment, I write this for the purpose of making some practical suggestions which, it seems to me, *may have* a tendency to bring about the desired result.

Premising first, that from dispatches received from the Secretary of State, I feel myself authorized to offer the mediation or friendly offices of our government to bring about a peace, whenever it shall appear probable that such an offer will be acceptable to all the belligerents--of which I have in an informal and confidential manner assured the Peruvian Government—and believing that you must also have received dispatches which would authorize you to act in similar manner towards, and to give like assurances to, the Government of Chili. Secondly, knowing that both Peru and Bolivia are desirous of peace upon any terms that would not be considered humiliating, but that owing to the fact that Chili initiated the war by the seizure of Bolivian territory, and that Peru was drawn into the war against her wishes in compliance with her treaty with Bolivia, and that Chili declared the war; for which reasons, both Bolivia and Peru naturally feel that it would be lowering their dignity to make the first advance or proposition for peace, unless, possibly, upon the condition that the territory seized should be surrendered to Bolivia; and that Chili may also feel that she would be humiliating herself to make a proposition for peace upon such terms; yet believing that she also must be desirous of peace upon any terms not humiliating to her, as the war is exhausting her resources as well as those of the other belligerents; that she might, therefore, without humiliation or loss of dignity make a proposition for a division of the territory seized from Bolivia, which might, after modifications by counter propositions, be accepted by Bolivia and Peru.

In view of all these considerations, I would suggest, that to avoid bloodshed, and, as likely to result in the restoration of peace, the Chilian Government might be induced to make a proposition for peace on the basis of dividing the territory seized—that is the simple degree of latitude between 23 and 24. The proposition as first made might not be accepted; but the ice once broken by a proposition, which might be modified by a counter proposition, and this by others, I am strongly inclined to believe, would, in the end, result in peace, either by reference to the United States alone, or (which it seems to me might be preferable) to our government and the United States of Colombia, and the Republic of Ecuador, or some other government or governments in conjunction with the United States.

The great difficulty, in my opinion, to be overcome is to get either party to make the *first* proposition. Because, if the first step in negotiations can be initiated, I think all the other necessary steps will be likely to follow, and that peace (so essential to all) will be likely to result. It may be, and I fear such is the fact, that no efforts for peace can be made available until the parties have tried their strength and one or the

other suffered a terrible reverse; but the plan I have suggested is the only one which occurs to me as likely to lead to such a result, without the calamities incident to such a trial of strength.

And now, in conclusion, allow me to suggest that, in my opinion (which may be erroneous), the best course to pursue, until some definite result can be reached, will be the most quiet, unobtrusive, and informal one, avoiding all such ostentation and parade as that which our friend seemed to think essential, but which defeated, in advance, all the efforts which he could have made. It is time enough for publicity when a practical result is reached; and this can never be reached if all the proceedings, from the first, are to go into the newspapers, where they must depend upon the uncertain and fluctuating current of popular passions and prejudices.

I hope you will keep me advised of any information you may obtain upon any of the points above suggested.

I have, &c.,

I. P. CHRISTIANCY.

No. 198.

Mr. Hunter to Mr. Christiancy.

No. 39.] DEPARTMENT OF STATE,
Washington, October 1, 1879.

SIR: Your No. 49 of the 2d ultimo, in relation to the visit of Mr. S. Newton Pettis to Santiago, has been received.

I have, in the first place, to give approval to the views which, as you state, you have expressed with regard to the existing war with Chili, and the possibility of the intervention of this government, at the instance of the combatants, and in the direction of a peaceful and honorable arbitration. Some months ago, on being approached by the Governments of Great Britian and Germany on the subject, this government explicitly replied that it would regard such a movement as premature then, and would not take part in any intervention which might imply disparagement of belligerent rights, or which might not be solicited by the parties to the struggle.

The visit of Judge Pettis to Lima and Santiago appears to have been prompted by kindly motives of peace, and his object appears, from his own reports, to have been limited to endeavoring to make each of the three governments concerned privately acquainted with the desires of the others for the termination of the contest, and the extent to which each might be disposed to make concessions should the three agree to submit their deplorable differences to neutral arbitration. His expedition was undertaken entirely without instructions from this government, and the completely unofficial character of his effort is understood to be fully known to the cabinets of the three countries. His reports of his interviews with the foreign ministers of Peru and Chili make it impossible to believe that his language could have been construed as implying a threat of intervention on the part of the United States toward either, and least of all toward Chili. In this respect the malevolent comments of a hostile press may be disregarded, except so far as they may indicate a tendency of the popular feeling and so shape the course of the local government in the emergency.

Mr. Pettis's experiment, unauthorized and even rash as it might appear, has, at least, led the contestants to a healthy consideration of the terms on which an honorable termination might be put to the war. Should the knowledge of the views of each other thus gained conduce to an ultimate settlement, this government could not but rejoice at the result. It is not, however, disposed to dictate a peace or even to urge

the conditions on which it may be reached. Its good offices have not been, and are not now, officially tendered; but if sought, on a practicable basis of settlement submitted by the combatants, the President will not hesitate to use them in the interest of peace.

I am, &c.,

WM. HUNTER,
Acting Secretary.

No. 199.

Mr. Evarts to Mr. Christiancy.

No. 40.] DEPARTMENT OF STATE,
Washington, October 13, 1879.

SIR: I have read with much interest your No. 59 of the 17th ultimo, concerning the question of tendering the good offices of the United States to the South American belligerents in the interest of peace.

The recent instructions of the Department to you in relation to the self-constituted mission of Judge Pettis will have gone far towards supplying you with the specific instructions you have now requested.

It remains only to add my appreciation of the wise conclusions you appear to have drawn from the data accessible to you, and to express my approval of your confidential and informal statement to the Peruvian minister of foreign affairs that this government is ready to tender its good offices to bring about peace whenever it shall be satisfied that such a course will be agreeable to all the belligerents. Should you find in official circles any adverse impression derived from the acts or statements of Judge Pettis or Mr. Fisher, you may, in your discretion, still further fortify your statement by the assurance that this government neither contemplates proposing or joining in any movement looking to friendly interposition, unless it shall be the evident desire of all the parties to the struggle that such a course should be adopted in behalf of peace.

Should a desire for the settlement of the dispute be limited to a coincident request for the good offices of this government alone on a practicable basis of reference of the causes of the dispute, in whole or in part, you are authorized to pledge the immediate and earnest consideration of this government with a view to using its best endeavors toward peace. But I am reluctantly constrained to adopt your judgment that no such conclusion is likely until the belligerents have further tried their strength.

I am, sir, &c.,

WM. M. EVARTS.

No. 200.

Mr. Christiancy to Mr. Evarts.

No. 64.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 14, 1879. (Received November 10.)

SIR: I avail myself of the opportunity of sending this dispatch by Mr. Porter C. Bliss, who goes by a special steamer (chartered by the government) to Panama and thence to New York in advance of the mail steamer.

The most important event of which I wish to advise you is the loss, on the 8th instant, of the Peruvian turreted iron-clad Huascar, commanded by Admiral Grau, who lost his life in the conflict.

This small vessel, under the skillful management of this able officer, had for nearly five months not only baffled but completely paralyzed the whole Chilian fleet, including two enormous iron-clads, and kept open free communication by sea for Peruvian transports from the north to Arica and Iquique, and all the southern coast.

I have not the time to describe the particular manner in which the Huascar was lost, and it is not necessary, as I send you, inclosed, as full an account of the transaction as has yet reached here, taken from the South Pacific Times.

The loss of this single vessel changes the whole aspect of the war (if war it can be called, which has consisted almost entirely of the achievements of this single vessel and the efforts of the Chilians to take her), and gives, for the time being, the Chilians full control of the sea, though (unless the port of Callao should be blockaded) I think the Peruvians may still keep open their communications by water with their army in the south; but it will be at the risk of having occasionally a transport taken; and the government is, I have no doubt, making the utmost efforts to compensate, at the earliest possible moment, the loss of the Huascar by procuring still more efficient vessels. But it will be difficult, on this coast, to find the man to fill the place of Grau; such men are not often found anywhere.

But the most lamentable effect, in my opinion, of this catastrophe is that it destroys all present prospects of peace. The Chilians, from the best information I can obtain, but for this, would have been likely soon to favor negotiations for peace on some terms. For awhile, at least, they will probably be so much elated that they would not be likely to listen to any reasonable terms. But the operations by land, which seem now about to commence, may or may not change the aspect of affairs.

Bolivia and Peru have all along been intensely anxious for peace, and, as a means to that end, for the friendly mediation of the United States. And it seems to me manifestly for the interest of all the belligerents alike that peace should be restored at the earliest possible moment, and that, in the final adjustment, long-recognized boundaries should be disturbed as little as possible, and that whatever compensation should be made by or to any of the belligerents should be pecuniary rather than territorial, as the latter will be a continual cause of further conflicts in the future.

I have, &c.,

I. P. CHRISTIANCY.

[The inclosure referred to in Mr. Christiancy's No. 64, is a long printed extract from the South Pacific Times, giving the report of Capt. Y. Garcia of the capture of the Huascar, which is not deemed of sufficient importance to transmit to Congress.]

No. 201.

Mr. Tracy to Mr. Evarts.

LEGATION OF PERU,
New York, October 17, 1879. (Received October 18.)

SIR: The Republic of Chili, as your excellency knows, took forcible possession of a portion of the Bolivian coast under the pretext of re-

vindicating her own territory, and notwithstanding all the efforts of the Peruvian Government to effect a friendly settlement between the two republics, tendering at first its good offices, and afterwards its services as mediator, in order to avert a scandalous conflict, Chili declared war against Peru, and immediately commenced hostilities.

The Government of Peru has already shown, in various official documents, that the war had long been premeditated by Chili, and recent publications of prominent Chilians furnish additional proofs thereof. I do not propose, however, in this communication to call your excellency's attention to these publications. At some other time, with your permission, I may do so. The object of this note is to make known to the Government of the United States the course which that of Chili has thought proper to pursue in its efforts to accomplish its schemes against the Republic of Peru.

I need not remind your excellency that long prior to the commencement of hostilities, Chili had in various ways sought to conclude treaties of alliance with a number of the South American republics, for the purpose of acting against Peru, and despoiling her of some of the most valuable portions of her territory. Especially had she labored with Bolivia to separate her from Peru, and to persuade her to enter into an alliance against the latter. The base propositions made, soon after the war was declared, to General Daza, President of Bolivia, in behalf of Chili, by Don Justiniano Sotomayor, consul of Chili, at Corocoro (Bolivia), which were made public as soon as received by the President of Bolivia, are, of course, known to your excellency, and it was naturally supposed that Chili would at once desist from further efforts to induce Bolivia to adopt a traitorous course against her friend and ally, Peru. The press of Chili, to shield the government from the scorn and indignation that such a step must maturally produce in all Christian nations, affirmed that Señor Sotomayor had acted without any authority, and that the government was in no way responsible for his action. How much truth there was in these assertions may be gathered from two documents recently published in the war bulletin (boletin de guerra) of the Bolivian army, of 10th September last, of which I have the honor to inclose translations cut from a Lima newspaper, which, although substantially correct, differ somewhat from the original, and might be considerably improved. I therefore also hand you herewith copies of certified copies of the originals sent to me by the minister of foreign affairs of Peru.

The President of Bolivia, it is almost needless to add, indignantly rejected these infamous propositions, which it is hard to understand how any government, styling itself civilized, could dare to offer, and at once communicated them to the government of the country which he had been invited to betray.

These documents reveal the false and disloyal policy that has ever guided the Chilian government when seeking to enlarge its territory, and prove that it will stop at no means, however base, to attain its ends. What reliance is to be placed on the promises or assertions of statesmen capable of making such a proposition, it is not for the undersigned to say. He simply submits these documents to your excellency for your information, knowing full well that the Government of the United States will properly judge the conduct of Chili in this matter.

The undersigned avails himself, &c.

JOSÉ CARLOS TRACY.

[Inclosure No. 1.]

Dishonorable propositions of the Chilian Government.

Without commenting upon them, we publish here some official documents which will prove how far the Government of Chili can stoop in matters of low political intrigue.

REPÚBLICA DE CHILE, MINISTERIO DE RELACIONES EXTERIORES,
Santiago, May 29, 1879.

The Government of Chili being interested in a speedy termination of the war maintained against Bolivia, it beholds with pleasure your inclination to aid it to attain that desire.

Consequently the Government of Chili would view with satisfaction your approximation to His Excellency the President of Bolivia and your declaration of our sentiments respecting that end.

My government hopes that the Government of Bolivia will lend a willing ear to all your exponents in this acceptation, and in conformity with what you have offered in the conferences we have had together. Your personal antecedents and the present letter will testify your authorization.

Assuring you now of my gratitude of the noble spirit that animates you,

I remain your obedient servant,

DOMING SANTA-MARIA.

To Señor DON ———.

(Copy:) El jefe de seccion.

J. F. GUERRA.

[Inclosure No. 2.]

República de Chile—Ministerio de Relaciones Exteriores.

BASES.

1st. The friendly relations that have ever existed between Chili and Bolivia, and which have only been interrupted since February of the present year, shall be reunited. Consequently the war between the two republics shall cease, and the armies of each shall be considered in future as allied in war against Peru.

2d. In attestation that all motives of discord shall disappear between Chili and Bolivia, the last-mentioned republic shall recognize as the exclusive property of Chili all the territory that has been mutually disputed, and which is comprehended within the parallels 23 and 24, S. L.

3d. As the Republic of Bolivia has need of a portion of Peruvian territory in order to readjust its own, and give it an easy means of communication with the Pacific, which it has not at present, without being subject to the trammels which the Peruvian Government has ever laid upon it, Chili will not embarrass the acquisition of such territory, neither will it oppose its definite occupation by Bolivia, but, on the contrary, will give it the most efficient aid.

4th. The help given to Bolivia by Chili during the actual war with Peru will consist of grants of arms, money, and other articles necessary for the better organization and service of its army.

5th. Peru being conquered, and the time for peace stipulations having arrived, peace cannot be effectuated by Chili unless Peru celebrate it also with Bolivia; in which case Chili will respect the concessions of territory that Peru may make to Bolivia, or that she may impose on Peru; neither may Bolivia effect a peace without the concurrence and interposal of Chili.

6th. Peace being proclaimed, Chili will leave Bolivia all the armament that may be considered necessary for the use of its army and for maintaining in security the territory that may have been ceded by Peru or have been obtained from it by occupation, without any claim being made for the sums of money that may have been disbursed during the war, which at no time will exceed six hundred thousand dollars.

7th. It remains in consequence established that the indemnification of war that Peru may have to pay Chili must of necessity be guaranteed, considering the financial condition of Peru and its informality in the fulfillment of its promises, by the saltpetre works of the department of Tacapaca and the guano and other substances that may be found there.

A special convention will arrange this matter.

Similar conventions will be instituted regarding other points which it may be necessary to demand, investigate, and arrange.

(*Copy.*)

J. E. DE GUERRA,
Jefe de Seccion.

No. 202.

Mr. Seward to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, October 21, 1879.

SIR: I have had the honor to receive your note of the 17th instant, accompanied by documents, supposed to show early in the war between Chili and Bolivia an attempt on the part of the government of the former republic to detach Bolivia from its alliance with Peru.

In reply, I have the honor to acquaint you, that the papers adverted to will be taken into consideration whenever this Department may have occasion officially to entertain the question to which they relate.

Accept, sir, &c.,

F. W. SEWARD,
Acting Secretary.

No. 203.

Mr. Seward to Mr. Christiancy.

No. 42.] DEPARTMENT OF STATE,
Washington, October 22, 1879.

SIR: I have to acknowledge the receipt of your dispatch of the 24th ultimo, in which you inclose a copy of a private communication sent by you to Mr. Osborne, minister of the United States at Santiago, offering some suggestions on the subject of possible negotiations for peace between the governments of Chili, Peru, and Bolivia.

The Department appreciates the force of your suggestions, and can perceive that much good might result to all parties, should a proposition of the character referred to by you be made, and the natural negotiations follow thereupon, since this course would tend in the strongest manner to the desirable consummation of peace. It is trusted therefore that events may shape themselves to this end, either through the scheme which you regard so promising, if adopted, or some other way. Meantime it is of course desirable, as far as this government is concerned, to adhere to the methods recommended in the previous instructions of the Department.

Your dispatch will be regarded as "official," but, at the same time, confidential, and will be numbered as you suggest, "62½."

When dispatches are of a confidential character you can prefix the word "confidential," or some other of like import; numbering the same, however, in the regular order.

I am, &c.,

T. W. SEWARD,
Acting Secretary.

No. 204.

Mr. Christiancy to Mr. Evarts.

No. 70.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 28, 1879. (Received November 24.)

SIR: In compliance with my duty to keep you informed of the progress of the war, I have the honor to state that since my dispatch, No.

64 (October 14), and I may say since the capture of the Huascar on the 8th instant, no visible progress in actual warfare has been made by any of the belligerents. Everything seems to have remained at a dead stand-still. The period has been one of suspense, of vague apprehensions and expectations. The only sign of activity on the part of the Chilians, so far as information has reached here, is that some of the Chilian vessels, one iron-clad and several transports, have been passing up and down the coast from Antofagasta to Arica, but actually attempting nothing. The Peruvians, however, apprehend a descent upon their southern or central coast. They have ceased to fear an attack upon Lima, which, had it been made immediately after the capture of the Huascar, might very probably have resulted in the capture of Lima, had they landed at Aucan or some other port near Lima. Callao is too well defended to be taken by a fleet. But the opportunity for such an attack upon Lima has been lost, if my information from an official source is correct as to the number of men here. Additional forces have been raised and equipped here, as I am informed, and the force which could now be readily made available here is about 12,000 men, and could quickly be raised to 15,000.

As to operations between the armies exclusively by land, there have been none, and, so far as I can see, there are not likely to be any immediately. The desert of Allacouna still remains between the opposing armies, and either army which should attempt to cross to meet its opponents might emerge from that desert so weakened as to become an easy prey.

The Chilians at present have command of the sea; but a strange paralysis seems to check their action. In the mean time Peru has sent a commission to Europe for the purchase of iron-clads, which will enable them to meet their opponents on equal terms, and such, I have no doubt, will be the result of the Chilian fleet remaining as inactive as at present.

There is one enterprise, at least, which I have been anticipating, but of which there is no present indication, except the ominous apprehensions of the people here. This would cut off all communication between the government with its base of supplies, and their principal army, which is in the south. I suspect, however, that the true reason why this is not undertaken is the fear of torpedoes, of which there is here a large supply, with men from abroad skilled in working them. It was this fear, I suspect, which raised the blockade of Iquique, and has prevented an attack upon that place and Arica. Should Callao be blockaded, and the mail steamer prevented from entering or taking the mail, I shall be cut off from all safe means of communicating with your Department, and shall have to act upon my own judgment in the emergencies which may arise.

I am, &c.

I. P. CHRISTIANCY.

No. 205.

Mr. Christiancy to Mr. Evarts.

No. 75.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 3, 1879. (Received November 25.)

SIR: Referring to my dispatch No. 70, I have the honor to give you the following additional facts which have since taken place, showing the progress of the war:

Within a day or two after the above dispatch we began to receive intelligence, by way of the British line of mail steamers from Valparaiso, that preparations upon a large scale were going on for the embarkation of a strong force, and soon the conviction seemed to take possession of the public mind, in which the government seemed to concur, that the large land force was being embarked for an attack in the neighborhood of Lima. This conviction grew stronger, day by day, until yesterday, though for myself I did not credit it, because I did not think it the best course for the interest of Chili; for though she might possibly land forces enough near here to take Lima, and even to capture Callao from the land side, she could not hope permanently to hold these places, nor to conquer Peru; and in the mean time the forces of Peru and Bolivia, now in the south, would have an easy task to retake Antofagasta and all the Bolivian and Peruvian territory now held by the Chilians, and for which, on account of its wealth, they commenced the war. I had, therefore, concluded it was more probable the Chilians would seek to retain this territory, and as the allies—Peruvians and Bolivians—had their forces scattered for more than 100 miles north and south in this territory, that they might land at some point near the center of this 100 miles and strike first against one-half of the allied forces, crush it, and then turn upon the other half and crush that. This seemed to me probable. But the government here was so impressed with the idea that an attack in the neighborhood of Lima was intended that they put forth every effort, and even issued a decree for the enrollment of all Peruvians between the ages of 18 and 70, and in effect proclaimed martial law in Lima and Callao, and, in consequence of the terror of this invasion, the whole ministry (with the exception of La Colevrez, minister of war and marine) was completely changed twice within three days. But about 3 o'clock p. m. yesterday came a telegram from General Prado, at Arica, that sixteen vessels were in front of Pisagua (about 35 miles north of Iquique) attempting to land troops; that fighting had been going on for five hours, and they had not yet succeeded. At about 5 p. m. he telegraphed that the enemy had taken Pisagua, and that General Buendid (the Peruvian general) had retreated upon San Bernardo (a fortified place on the road to Iquique). That the enemy seemed to have divided their forces, and were landing, or attempting to land, a force at Chucumata (about 15 miles south of Iquique). Thus stands the news up to this hour, November 3, at 9 p. m.

To estimate probabilities, I will say that Iquique is only fortified on the water-front, and may be easily taken from the land side, if an enemy succeeds in reaching that side; that the main body of the allied forces are at Arica and Tacna, there being but 5,000 or 6,000 in Iquique, and a small force of the allies thence south to Quillagua. It is easy, therefore, to see that if the Chilians can march rapidly upon Iquique with a sufficient force they may take it before material aid can be received from the north or the south to molest them.

Such at least would be the case if the country were an open one. But as the deserts and mountains do not admit of the rapid movements practicable in an open country, it is impossible for one not intimately acquainted with the locality to form a fair judgment of the probable result.

I leave this letter unfinished to record any further news which may be received prior to the 6th, when the northern mail steamer leaves, only remarking here that it is evident, from the tone of the Chilian press, that the Chilian Government still hope that the Bolivians will

abandon Peru, and unite with Chili in siezing from Peru the province of Tarapacá (rich in nitrates), to be given to Bolivia in exchange for the Bolivian territory seized by Chili, notwithstanding Peru was drawn into this war in compliance with her treaty with Bolivia to protect the latter in her boundaries. That there is a party in Bolivia who favor such a course I have no doubt; but that President Daza and his government do so I do not believe. But no reasoning which could be sound as to civilized countries generally, can be a safe guide to a correct conclusion, when Bolivia is one of the factors of the problem.

One thing which I have all along thought probable, I still think likely to take place, the blockade of Callao, which the Chilians have navy enough to accomplish without interfering with the land operations in the south.

NOVEMBER 5—6 p. m.—Nothing further has been heard from the south.

With the highest esteem, I am, &c.,

I. P. CHRISTIANCY.

No. 206.

Mr. Christiancy to Mr. Evarts.

No. 80.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 11, 1879. (Received December 8.)

SIR: I have the honor to inclose to you the translation of an executive decree of the Peruvian Government of the 8th of this month (founded upon a law of the 1st instant), prohibiting commerce with Chili, &c., and to say that as it has occurred to me that the second article of the decree may seriously conflict with the eighteenth article of our treaty with Peru (proclaimed July 27, 1874), to say nothing of last clause of article 5 of the same treaty, and being informed that the British minister also insists upon the provisions of our treaty alluded to, under the clause of the British treaty, called "the most favored nation clause," and that France, though her treaty with Peru is claimed by the latter government to have expired by its own limitation, intends to claim the benefit of our treaty under the "most favored nation clause." I this day called upon the minister of foreign affairs of Peru, in an informal, confidential, and friendly manner, and suggested to him the conflicts which I thought might arise between the eighteenth article of our treaty and the second article of this decree, as to the rights of American vessels to enter Peruvian ports, though they might have come from or touched at Chilian ports, saying at the same time that, for the present, and before any actual conflict had arisen, I did not propose to enter a formal protest, but that if a case should actually arise in which, for instance, an American vessel should be prohibited entrance into a Peruvian port, for the cause mentioned in the second article of the decree, and complaint should be made to me by such vessel or her officers, I should feel it my duty to enter an earnest and formal protest against such violation of the treaty. I did not assume to define the various points of conflict which might arise, nor by putting the case of an American vessel coming from a Chilian port did I mean to limit the cases of conflict to that, nor did the minister understand me as thus limiting the cases; on the contrary my conversation also intimated generally that conflicts might arise in reference to the right of bringing in Ameri-

can vessels, goods, or property, the products of Chili, taken in connection with the clause providing that free ships shall make free goods; but upon those latter points I intimated no opinion of my own, only saying that I hoped the government would carefully consider the questions of conflict which might arise between the treaty and the decree. The minister, so far as I could judge from his conversation, did not appear to have examined the treaty at all, nor to have formed any definite notion of its meaning or object; but, with an evidently strong desire not to give just cause for offense to the United States in this respect, said that a meeting of the cabinet would be held this evening, and the whole subject laid before it.

There is but comparatively a small amount of our shipping on this coast at present, while England has a large amount, and France has more than we. There is also a British line of steamers (the Pacific Steam Navigation Company) running along the coast of all the belligerents, and thence to Panama.

A very large portion of the sailors and employés on these steamers were Chilians, while very few (and so far as I can learn, no case) of this kind exist as to the vessels of the United States. This being a case, therefore, in which England was almost exclusively interested, and if the eighteenth article of our treaty would permit these Chilians to come into all Peruvian ports, while Chili has the complete command of the sea, the enforcement of such a stipulation would be directly aiding one of the belligerents against the other, by enabling Chili to keep up a most effectual espionage against Peru in Peruvian ports. I therefore concluded not to urge this provision at present, and, unless so instructed by the Department, to await the development of events until a case should arise in which American interests should be involved.

But this morning, November 12, I called upon the British minister to learn what view he took of our treaty in this respect, and what course he had determined to take in reference to this point. He had seen and felt the injustice of enforcing the right to have these Chilians upon English vessels enter the ports of Peru, and frankly stated that he had waived all claims of the kind, and informed the British steamers that they must be discharged from such vessels.

This difficulty, therefore, is practically at an end.

But questions may still arise, under the eighteenth article of our treaty, whether American vessels would have the right to introduce Chilian goods or products, and trade in them in Peruvian ports. At present I am inclined to the opinion that the treaty secures no such right when Peru has declared non-intercourse with Chili and excluded the importation of all such Chilian goods and property.

It is clear, I think, that it was entirely competent for Peru to impose such a high rate of duties upon such goods and property as to effectually exclude them; and the right thus indirectly to exclude rests, as it seems to me, upon the right of direct and absolute exclusion.

The fifth article of the treaty seems to me to support this view. Upon this point I await your instructions. I think no case raising this as a practical question is likely to arise in the mean time.

In fact, all the questions arising under the decree mentioned have become of less importance, as an order appears in the papers this morning, which, with its translation, I inclose, which will put off the execution of the order for some time, to give fair notice to neutrals.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 80.—From the South Pacific Times, Tuesday, November 11, 1879.]

Important decree.

COMMERCIAL INTERDICT WITH CHILI.

LUIS LA PUERTA, first vice-president of the republic encharged with the executive power.

In use of the authorization granted by the law of the 1st instant—

I decree:

ARTICLE 1. All commerce between the republics of Peru and Chili is hereby strictly interdicted as long as the present war lasts.

ART. 2. All steamers or sailing vessels coming from any Chilian port, or which have touched in any Chilian port, are prohibited from entering any port in Peru.

ART. 3. Steamers and ships of any kind trading on the Peruvian coast are forbidden to have any Chilian on board. Any vessel on board of which a Chilian is found will not be allowed to enter in future any Peruvian port.

ART. 4. The foregoing rules apply to vessels coming from Bolivian or Peruvian ports occupied by the enemy.

The minister of finance and commerce will provide for the due fulfillment of this decree.

Given in the government house in Lima, this eighth day of the month of November, eighteen hundred and seventy-nine.

LUIS LA PUERTA.

J. M. QUIMPER.

[Inclosure 2 in No. 80.—Translation from El Comercio, Lima, November 11, 1879.]

COMMERCIAL INTERDICTION.

The director of administration has issued the following circular to the custom-houses of the republic:

SIR: The law of the 1st instant is being put in force by the supreme decree of the 8th, in relation to the commercial interdiction with the Republic of Chili. The government believed it unnecessary to indicate that for the fulfillment of the law and of the decree, the necessary time, in consideration of distances, would be accorded, since, from the principal of universal legislation, to give the aforesaid time is obligatory.

For the better comprehension of the aforesaid dispositions, I fulfill the duty in bringing to your knowledge that circumstance, by order of the minister of that branch, in order that you may take it in consideration when you receive in that port the ships or steam vessels or sailing vessels comprised in the said decree.

God be with you.

JUAN DE D. RIVERO.

No. 207.

Mr. Christiancy to Mr. Evarts.

No. 83.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 19, 1879. (Received December 12.)

SIR: Since my dispatch No. 75, in reference to the progress of the war, little has taken place of which reliable information can be obtained.

It seems, however, tolerably certain that at the time of the landing of the Chilians at Pisagua, another landing of part of their forces took place at Junin, a few miles south; that the two bodies formed a junction near Pisagua and moved inland to Agua Santa, having got possession of a short railroad from Pisagua to that point, with one or two locomotives; that on the 11th instant General Daza, with 4,000 of his

Bolivians, moved south to form a junction with such of the allied forces as were scattered along the south of Peru and in the Bolivian territory, especially with the main body of them, under General Buendia at Paz Almonte, back 40 miles from Iquique, and 30 miles south of Agua Santa, and if possible, after said junction, to attack the Chilian army, which, from the best calculations to be made here, must have in its main body from 8,000 to 10,000 men.

Since the 11th all seems to be uncertain as to the movements of the armies, except that the Chilians had cut the cable between Iquique and Arica; that on the 15th instant the commander of the Chilian fleet gave notice of the establishment of the blockade of Iquique, which they probably have force enough to render effectual, and that yesterday dispatches were received from Arica that General Daza had returned to that point, thus showing that the attempted concentration was found impracticable; and, unless with the aid of more allied force at Arica, they shall be strong enough to meet the main Chilian army. Without the aid of Buendia it would seem quite probable that the allies may be beaten in detail, as intimated in my No. 75. But if all the allied forces can be concentrated, the Chilians may be driven back to their ships, unless in the mean time they receive large re-enforcements. In the mean time the dread of an attack upon Lima keeps a large force of the Peruvian army here.

I am, &c.,

I. P. CHRISTIANCY.

No. 208.

Mr. Hay to Mr. Christiancy.

No. 47.] DEPARTMENT OF STATE,
Washington, November 26, 1879.

SIR: Your dispatch No. 70, of the 28th ultimo, in which you give the current news and forecasting with respect to the progress and prospects of the war, has been read with the usual interest attaching to your dispatches on that subject.

In view of the actively aggressive operations of the Chilians, as shown in your dispatches and by subsequent telegrams in the public press, it may not be inopportune to notice the concluding part of your dispatch, wherein you observe that should Callao be blockaded and the mail steamers interrupted, you would be cut off from all safe means of communicating with this Department, and would have to act upon your own judgment in the emergencies which might arise.

While it would be, on every account, desirable to maintain constant communication with you, if possible, in the emergency to which you refer, yet the adoption of any extraordinary and expensive means to accomplish that object, such as the dispatch of a special courier, would not be regarded as necessary unless, indeed, some pressing necessity should arise for the transmission of intelligence urgently affecting the relations of the United States with the parties to the struggle. The adoption of any special means of communication would, of course, be subject to the approval of the Department.

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 209.

Mr. Christiancy to Mr. Evarts.

No. 87.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 26, 1879. (Received December 18.)

SIR: I have the honor to inform you that I have just received a letter from our consul at Iquique, dated the 15th inst., informing me that the commander of the Chilian iron-clad, Amivante Cochrane, had just given notice to the consular corps at that post that he had established the blockade of Iquique "and the adjacent minor ports" (a little uncertain), and that ten days were given to the neutral merchant vessels now in port, counting from the 15th, in which to complete their cargoes and leave the bay. This, it must be admitted, is sufficiently liberal, especially as to completing "cargoes." Doubtless you have also been advised by the consul of all this.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—I have no doubt that before this reaches you, and probably before now, Iquique is in possession of the Chilian forces, and the blockade in that manner ended; but I have no positive information of the fact.

I. P. C.

No. 210.

Mr. Christiancy to Mr. Evarts.

No. 88.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 26, 1879. (Received December 18.)

SIR: Referring to my dispatch No. 83 upon the progress of the war, I have to say, in continuation, that important events have since taken place, the details of which it is impossible to ascertain with certainty, but the result of which, it is now evident, has been a crushing defeat of the allied armies, or at least of the Peruvian forces by the Chilians, at San Francisco.

It seems, or at least this is the information and general belief here, that a part of the Bolivian army refused to march against the Chilians, and that General Daza found himself unable to compel them. But that part of them did march, with a larger force of Peruvians, for Agua Santa; that they there formed a junction with General Buendia, the Peruvian General at Agua Santa. The Chilians having there, and thence toward San Francisco, only outposts and skirmishers, which were attacked and driven in back to the main body, strongly intrenched at San Francisco. That the allies (consisting of two or three divisions of Peruvians and one of Bolivians) some time between the 20th and 23d inst. made a combined attack of several hours upon the Chilian army, but were badly defeated, and with heavy loss; that at last accounts General Buendia, with a part of the army, had retreated to Tara, and General Prado, who is still at Arica, with, as is supposed, some 5,000 or 6,000 men, telegraphed on Saturday, the 22d, that he did not know where the rest of the army was.

This is the substance of all that is reliable; the cable at Mallendo being cut, or the place taken last Saturday, we get no more telegrams.

But it is reported and generally believed here, that a great, if not the greatest, part of the Bolivian army proved faithless to the Peruvian alliance, and that they with General Campero (Bolivian who has returned to La Paz) were about to form an alliance with the Chilians against Peru, and depose Daza; such is the belief here, and the excitement or rather the depression is extreme.

In confirmation, or perhaps only as a consequence of this belief, the Bolivian minister here, Mr. Flores, it is said, has not been seen since last Friday, the 22d inst., and the excitement is strong against him.

The consequence of all this has been a general conviction that a revolution must take place in the government here, and that Piérola must be put at the head of affairs, and though he probably has more following than any man in Peru, and I am inclined to think quite as clear a head, and is withal very ambitious, he feels the terrible responsibility of assuming the reins of government just now when everything seems rushing to chaos and ruin.

A demonstration was got up by the rabble in the streets the night of the 22d inst., and the tocsin sounded throughout the city, supposed to have been instigated by General de la Cotera, minister of war, first, in his own interest in hopes of being made dictator, and second, to get the prestige of Piérola in a new ministry under his control. But Piérola did not take the bait, and the whole thing ended in smoke. But notwithstanding the fearful responsibility, I am inclined to think that he will be compelled very soon, it may be any day, by the strong popular wish, to consent to take the position of dictator. And though I think I understand the principles of our government, in recognizing revolutionary governments, I will be glad to receive any instructions you may see fit to give. But do not make the element of probable permanency (of such government) too prominent as, in that event, there would be few Spanish-American governments recognized generally.

I hear it rumored in various quarters, and think there may be some ground for the rumor, that a kind of moral pressure is at present being brought to bear upon the Peruvian Government by the representatives of England, France, and perhaps Germany, to induce Peru to offer terms of peace at once; but I have purposely kept aloof from any effort of this kind, because I think I see clearly enough, that in the present extreme depression and discouragement of the Peruvian mind, and the equally extravagant elation of the popular mind of Chili, that Peru might be led or driven to offer or to accept terms of peace, which a sound and cool judgment of the present or the more matured judgment of the future might condemn as extravagant and unreasonable. And in such an event, the nation whose representative had, by his action, contributed to drive this government hastily into such terms would be sure to incur the hatred of Peru and of Peruvians for a long time to come.

I shall not therefore volunteer or officiously offer advice to this government unasked. It will be time enough to give advice when it is asked; and should it be asked, I shall only say, "Certainly I advise peace, if you can procure it upon what you deem reasonable terms, but you must yourselves be the judges of what terms are reasonable, unless all the belligerents agree to refer it to some power, or to the representatives of some power or powers, to determine what is reasonable."

In such an event, should it be referred to me in whole or part, I should, with the consent of my government, seek to determine the question in view of all the circumstances, undisturbed by the excitement of the popular mind here or elsewhere.

I have, &c.,

I. P. CHRISTIANCY.

No. 211.

Mr. Christiancy to Mr. Evarts.

No. 90.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 3, 1879. (Received December 26.)

SIR: Referring to my dispatch No. 88, I will say, in continuation, that the Chilians had, at the date of that dispatch (as we have since learned), taken possession of Iquique; and that about the 28th or 29th ultimo (the exact day I cannot yet ascertain) they placed two wooden naval vessels (corvettes) in front of Arica, and sent on shore and to the neutral vessels in port notice of the blockade of that port. It is said that, as in the case of Iquique, they have given 10 days' notice for vessels to leave, but I have not been able to find any reliable evidence of the latter fact. Whether the two Chilian ships are sufficient to make the blockade effectual remains to be tested.

As to the operations upon land since my No. 88, the information is not wholly reliable as to details, but the reports through Peruvian channels are that, since the defeat at San Francisco, General Buendia has succeeded in collecting about 5,000 men at Tarapaca, besides the cavalry, which had suffered very little, and which, at the last intelligence, had made its way to Arica; that there were before their arrival from 5,000 to 7,000 Peruvian soldiers at Arica in good condition and well supplied, and that General Daza is, at the last intelligence, at Tacna, with some 2,800 to 3,000 Bolivians. On the 18th of November the Chilian ironclad Blanco Encalada captured the small Peruvian gunboat Pilcomayo.

On the morning of the 9th ultimo General Prado (who was supreme director of the war in the south) arrived here by one of the English mail steamers. He was well received, but without much public demonstration. Piérola, his great rival, however, met him at the depot in Lima in the most friendly manner. General Prado has resumed the presidency here, leaving General Montero at Arica, in chief command of the forces in the south.

In attempting to form a new ministry General Prado, as stated by the press, tendered to Piérola the place of minister of finance and president of the council, with the right to select all the other ministers.

But it is said by some well-informed persons that General Prado reserved the right of selecting one or two of them, and by others equally well informed that the offer to Piérola was as first stated, and that he offered to accept on the condition that General Prado should declare himself dictator, ignoring the constitution entirely as to the means to be taken for the public defense. But whichever version may be true, Piérola declined to go into the cabinet; and this morning the formation of a ministry is announced.

Don Manuel Irigoyen, minister of foreign relations and president of the council.

Ramon Ribeyro, minister of justice.

Mariano Alvarez, minister of government.

Aurelio Dinegro, minister of finance, and

Colonel Eavieguo Sava, minister of war and marine.

Mr. Enriqne Irigoyen is the same who has held the same office for a long time, under all changes of the cabinets, until De la Lotera became president of the council. He is a man of clear head and souud judgment, with a more intimate knowledge of foreign affairs than any man in Peru—*par negotiis* on all occasions—and I think an honest and patriotic man, which last qualifications, according to the general popular belief here,

make him a "*rara avis*" in *terra Peruano*. In that he commands the respect and esteem of all parties.

The other members of the new cabinet are not men of distinguished prominence (except perhaps, Sava, who is said to be a man of great vigor and decision.)

I think this cabinet likely to have some permanency, unless unforeseen calamities should impel the populace to drive Piérola into the assumption of the dictatorship, which I do not think he desires at present.

I am, &c.

I. P. CHRISTIANCY.

P. S.—6 p. m.—The evening papers just out have the following telegrams from Arica.

Montero to the President:

ARICA, 3 10.45 a. m.

Battle at Tarapaca; our army victorious; 2,500 Chilians, 1.000 killed and wounded. They were completely routed. We took 7 Krupp "cañones," 3 Gatlings, and 60 pris- Ours 600 killed and wounded. 11 pieces of artillery taken; 4 Gattling. The Samar has disembarked our wounded here.

2.

Prefect of Arigupa to the President.

MOLLENDO 3, 1.28 p. m.

Twenty-five hundred Chilians attacked our army on the 27th ultimo, in Tarapaca. oners, 1,000 Chilians killed and wounded.

Our victory was obtained in the night.

How reliable this may be, I do not yet know, but I give it as it comes.

I. P. C.

No. 212.

Mr. Christiancy to Mr. Evarts.

No. 91.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 7, 1879. (Received January 7, 1880.)

SIR: Referring to my despatches Nos. 88 and 90, I will say, in continuation (none at least made public) to change the effect of the telegrams given in my No. 90, as to the operations of the armies on land—except that the victory at Tarapaca—seems to have been of less dimensions than their report, and the allied forces are retreating upon Arica, nor has any naval operation taken place of which reliable news has been received here. But the new ministry mentioned in my No. 90 as just appointed all declined to accept, and the former ministry, under General De la Cotera, as president of the council, remains in office, not, as I am inclined to think, because President Prado prefers them, but because he has been unable to induce others to accept.

But the true reason why Piérola did not accept the offer of President Prado to form and to preside over a new ministry is no longer a secret. I inclose you his own declaration or pronunciamento over his own hand inserted in his paper, La Patra, three days since, together with a translation, which, whatever else may be said of it, must be admitted to be a bold, frank, and candid statement of his position and that of the party he represents. I must ask you to judge of it, not

from our North American standpoint, but from that of Peru; because, judged by our North American standard, it might be thought to be an evidence of the personal vanity, egotism, and selfish ambition of the writer; whereas we have the highest possible direct evidence—the declaration of the writer himself—that it is nothing of the kind, and that there is nothing in it to authorize such an opinion; and the latter is probably the view of the majority of his political followers, though, if I am to judge from the Peruvian press, I should be compelled to admit that, ostensibly at least, his followers are not as numerous nor as cordial since as before the publication of this manifesto.

The people see that the constitution, which he thinks the source of all the calamities of Peru, and which he says he has labored for years, inside and outside of Peru, to get rid of, but which President Prado has the folly still to cling to, is not, after all, so great an obstacle as he seems to suppose; since, whenever a provision of the constitution happens to be thought embarrassing, an executive decree, or that of a single minister, is issued enacting the very thing which the constitution *seems* to prohibit, and if this is subsequently approved by Congress, it becomes at once constitutional, because the constitution itself (Art. 59, sub. 1) provides that Congress shall have power to make laws, to *interpret*, modify, and repeal existing laws ("Dar loyes, *interpretar* modificar y derogar las existentes"); and the constitution is a law to be construed, as well as a statute or resolution of Congress.

True, perhaps, President Prado has seemed to be reluctant to go much in advance of the approval of Congress in such cases, but this is by many thought to make the constitution unnecessarily embarrassing. It is true, however, that during President Prado's absence in the field, the Vice-President (La Puerta) and his various cabinets were very prolific in decrees, which, to us, would seem to be clearly in violation of their constitution. And the last cabinet (continued by President Prado) has issued decrees upon the tariff, the exports, and imports, the duties, and how payable, and levying taxes of various kinds, and upon various other subjects without the warrant of any act of Congress, and these are still continued, though I suppose they would be repealed on the reaccession of President Prado. I inclose two of them not heretofore sent you, and which might furnish some valuable hints to our Secretary of the Treasury.

From the above considerations it is easily seen that an inflexible constitution, like ours, would be wholly unsuited to the habits of society, as at present constitued here; and like all the other Latin races, they require a constitution that will bend without breaking, or at all events *bend*.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 91.—Translation.]

To the Editor of La Patria:

ESTEEMED SIR AND FRIEND: General Prado having returned to Lima, after a new, unjustifiable, and inexplicable disaster, my refusal to organize a cabinet under the Presidency of that gentleman has aroused the malevolence of a few and the thoughtlessness of many to make the most erroneous and capricious comments.

I would overlook them in silence, as I have done until now, if they were injurious to myself alone, since I believe I have shown that I do not know how to remember self when the country is in question; but as all these commentaries unite in the affirmation that, in my opinion, the situation is desperate, and that this is the cause of my refusal

to face it, which would undoubtedly injure Peru immensely at home and abroad, I owe to the country a distinct declaration, and I am about to make it, cost what it may, with all the resolute effrontery which the solemnity of the crisis demands of me.

If suppression of the truth is ever justifiable, there are times in which the whole truth should be uttered, and when silence is a crime.

I was called upon by General Prado to organize, with full liberty, a cabinet. I refused at once and distinctly, but founding my explanation upon an exposition as frank as it was possible to make it, in which nothing was reserved, and accompanied by what, in my opinion, should be the course for him to pursue. I proceed to condense, in a few points, my mode of reviewing the situation:

1st. The disasters suffered are the necessary result, not only of the men who are at the head of affairs, but of the system under which we live, and against which I have struggled for ten years, using every means as well within the government as outside of it.

2d. If this system be maintained, it is impossible now to save the situation; and consequently to aid in sustaining it, far from laboring for Peru, would be to contribute to the consummation of her ruin.

3d. As to the persons who represent this system, both General Prado and General La Puerta have become impossible as heads of the nation, under present circumstances; and as for the second vice-president, it will be sufficient for me to say that his keeping out of the country is clear evidence of sound judgment and patriotism.

4th. Those who become indignant, and accuse me because I do not consent to become chief of a cabinet after the lapse of eight months, during which I have not been deemed useful for anything--incredible obstacles being presented even to the very exercise of the right of being killed at the head of a regiment of volunteers—are irritated, and denounce me, not because I do not come forward to save the country, but because I do not come forward to save the authority they wield, and which they have not known how to employ for the triumph of Peru.

5th. Legality does not really exist. It is in fact reduced, not to the upholding of institutions which have been denaturalized, and which are, at this moment incompatible with the public weal, but to the maintaining of this or that man in office.

6th. I signified my assent two months ago to preside over a cabinet wherein the legal freedom was denied me, which the critical position of affairs now compels to be offered me. I resigned myself to this only because foreseeing the imminence of an invasion, and the proximity of a decisive battle, it was, above all, indispensable to avoid, during such contest, exactly what has occurred without any justifiable cause. To-day no such motive exists; more, much more is needed, and my proffered acceptance of that date would now be inexplicable and culpable.

7th. For a nation which has faith and the determination to save itself, there is never a situation which can be called desperate. I believe our own far from being so; but were such the case, men of heart only go down fighting.

8th. I have not refused, therefore, to serve the country, and to serve it equally in the lowest as in the highest position. I have, yes, I have refused, and do refuse, two things: 1st, to seek that position for myself without being called to it; 2d, to accept without the means of doing what I believe indispensable for the good of the country. For me there are, at this moment, two things equally absurd, and which fools alone could entertain: 1st, personal ambition; 2d, that egotism which refrains.

The situation may be thus summed up: If the country is to be saved, a radical political transformation is inevitable. This will either take place from above downwards, General Prado taking the initiative of an appeal to the people, the only legal entity which can decide, or that transformation will be made from below upwards, with terrible violence, which patriotism should avoid at all risks.

In order to avoid this second extreme, I have omitted no effort whatever from the outbreak of the war, even going lately, through motives of pure patriotic duty, so far as to go in person to receive Mr. Prado, hoping, as I still hope, that he will at length do as I have earnestly urged him, which either I am much mistaken or he himself recognizes as indispensable and what the salvation of the country demands of him.

This is the true state of affairs. I put it upon record in this letter without other motive than the salvation of Peru, new and costly as the sacrifice may be which it may impose upon me.

I would thank you, Mr. Editor, to be pleased to give this a place in the columns of your paper before the closing of the mail for abroad.

Saluting you affectionately.

N. DE PIÉROLA.

No. 213.

Mr. Christiancy to Mr. Evarts.

No. 93.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 16, 1879. (Received January 7, 1880.)

SIR: Referring to my dispatch No. 88, in reference to the reported revolution at La Paz, the apprehension here that the revolutionists there were acting in hostility to the Peruvian alliance and in favor of an alliance with Chili, and that the Bolivian minister here had not been seen for some time, I have to say that from the best information (none attainable here), the supposed revolution was a movement in favor of the Peruvian alliance, and a more vigorous prosecution of the war. I inclose an article from the South Pacific Times of this day, which gives the result of the information, so far as the public are informed, up to this date; and I will say that for the last two weeks or more the Bolivian minister appears in public and has consultations at the palace as formerly.

Absolutely no news have been received from the seat of war since my No. 91, except that the remains of the Peruvian army, which fought at San Francisco, were arriving at Arica and are now, probably, safe at that place with the main body who had not left that place.

Great activity has been shown in raising men in this central portion of Peru, and there are supposed to be now in the vicinity of Lima and Callao near 15,000 men, a large part of whom, however, are raw recruits.

Whether any of them are intended to be sent south is doubtful, but there are at present indications of an intention to send off, to-night or to-morrow, one transport, if not two, to the south with ammunitions and supplies for the army at Arica. Those will run great hazard of being taken, and probably will not think it safe to go further than Mollendo.

The government show no indications of asking for peace on any terms that Chili would be likely at present to grant.

In the mean time all business is nearly at a stand still. The credit of the paper currency is rapidly falling. An American double-eagle will purchase to-day from 80 to 84 paper soles.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—DEC. 17. The papers this morning contain telegrams showing that the port of Ilo (or Ylo) is blockaded by three Chilian vessels.

[Inclosure in No. 93.—From the South Pacific Times, December 16, 1875]

THE REPORTED REVOLUTION IN BOLIVIA.

From official documents now published it would appear that the rumors lately in circulation regarding a revolutionary movement in La Paz, towards the end of last month, were not totally devoid of foundation, but the affair, however, has not been so serions as was at first supposed.

When the council of ministers intrusted with the reins of government during the absence of the President, General Daza, at the seat of war, received tidings of the disaster to the allied arms on the 19th ultimo, at San Francisco, afraid of a popular outbreak, they withheld the news from the public for some days. In the mean time, the people, alarmed at the prolonged silence on the part of the government, and at the rumors, which did not fail to be spread, of serious reverses sustained by the allies, began to show their discontent, and fears were entertained that unless energetic

measures were to be adopted by the ministers, an outbreak on the part of the populace would shortly ensue. Señor Nuñez del Prado, who is one of the most prominent citizens of La Paz, and is at the head of the municipality of that city, then put himself into communication with the ministers, and explained to them the position of matters in the city. The president of the council of ministers, Doctor Reyes Ortiz, threupon intrusted Señor Nuñez del Prado with the command of a small body of national guards in the place, in order to insure the peace of the city and put down any disturbance which might arise. That same night Señor Jofre, the minister of war, left the city, commissioned, according to Doctor Reyes Ortiz's statement, to proceed to Oruro and reorganize the fugitives from the Bolivian army, who would pass through that town. The populace of La Paz, however, looked upon the minister's departure as a flight, and, owing to this circumstance, and the subsequent vacillating conduct of the remaining ministers, affairs began to assume a more serious aspect. At last news, however, thanks to the energetic attitude of Señor del Prado, who, in accordance with the wishes of the ministry, had placed himself at the head of the available troops in the city, matters had taken a more favorable turn, and all danger of a disturbance had passed away. Señor del Prado issued the following proclamation to the people on the 27th:

Citizen DANIEL NUÑEZ DEL PRADO, President of the Municipality:

Hereby inform the people that after taking command of the public force yesterday, at 7 p. m., according to instructions received, with the laudable desire to preserve the peace of the city and maintain order, I am happy to be able to state that that object has been attained, thanks to the good sense and peace-loving disposition of the inhabitants of this town, who have voluntarily assisted to support the authority of the government, at present represented by its ministers intrusted with the executive power. Public order continues to be preserved with the disinterested co-operation of the young men of the city, who have now taken arms and been organized into a body which will aid to insure the success of the sacred war the republic is engaged in.

There has happily been no symptoms of disorder; the citizens continue their peaceful labors guaranteed by the constitution, with only one thought common to all—to save the dignity and nationality of the republic.

Every citizen is consequently called upon to contribute towards the great work of the country's defense.

La Paz, November 28, 1879.

DANIEL N. DEL PRADO.

No. 214.

Mr. Christiancy to Mr. Evarts.

No. 94.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 23, 1879. (Received January 22, 1880.)

SIR: Since my dispatch No. 93, of last week, several important facts have occurred with reference to the Peruvian Government.

On the afternoon of the 18th instant President Prado, without any previous notice or suspicion, but with the full knowledge of the minister of war and the minister of foreign affairs, and probably of the whole cabinet, left Lima; went to Callao, and about 4 p. m. embarked on the English mail steamer Payta for Panama, as it was given out by his friends, with the intention of visiting the United States, and perhaps Europe, in the interest of Peru. But the general belief here among all classes seems to be that it was a desertion, a flight from the government, which, under an accumulation of calamities, he felt he could no longer hold with advantage to himself or to the country. I have no decided opinion as to which is the true version of the affair. I am inclined to judge him leniently, because he has been more favorable to constitutional government than most Peruvian politicians, and yet the difficulties of his position were so overwhelming that it is possible the most unfavorable explanation of the cause of his leaving may be the true one.

I inclose herewith a correct translation of his decree on leaving, taken from the South Pacific Times, merely remarking here that the resolution of congress of the 2d May, to which he alludes, was that which was intended to authorize him to command the armies of the republic in the south.

I inclose also a translation from the same paper of his address to the nation and the army on leaving.

General La Puerta, the first vice-president, was thus left as President, and though all the old ministry tendered their resignations, he refused to accept them, and they all continued in office; General de La Cotera, minister of war and marine, continuing as president of the council, and virtually the head of the government, and though for years known to be a Piérolist, yet, like a true and gallant man, as he seems to have been, he felt bound to sustain the constitutional government. But immediately upon the departure of Prado a spirit of inquietude and want of confidence in the government seemed to pervade the public mind, and it was not difficult to discover that there was a general wish that Piérola should assume the dictatorship, all seeming to have more confidence in his intelligence and capacity than in any other man, and I must also say that the large majority of American citizens here (of whom there are perhaps one hundred in Lima, most of whom were connected with Henry Meiggs in his railroad projects), seemed to sympathize with this Piérola movement, though, like true Americans, they carefully abstained from taking any active steps in that direction.

Martial law having been already declared in Lima and Callao, on the 19th appeared a decree prohibiting the assembling in the streets of more than four men at any one place. But the inquietude still continued to increase. I could not avoid feeling the effects of a terrible ground swell about to sweep over the land like an earthquake wave.

Yesterday (Sunday) afternoon, while writing a private letter, about half past 4 p. m., I began to hear the tramp of infantry, and soon after of cavalry, in front of the legation. I supposed it to be a review, and kept on writing. But the tumult increased. I went to the balcony (which no one can understand who has not been in a Spanish town, and which is a projection in the second story over the street, some five feet wide, with sash and glass front and ends, from which you can see all along the street), and then I saw about one thousand infantry forming in line and some cavalry at each flank. The number was soon increased to about two thousand, and presently I saw mules and donkeys hurrying up with ammunition, and I began to be interested. I soon learned that two battalions of infantry, who had refused to obey the orders of the minister of war and whose colonels the government had attempted to remove, had mutinied and declared for Piérola, and their quarters were in the palace of the inquisition, on the opposite side of the Plaza de Bolivar (or Plaza de la Inquisition), and adjoining buildings exactly the opposite side of the same block on which the legation is situated.

In a few minutes after I had noticed this position of forces, and learned the object of La Cotera, to reduce the mutineers, the battle opened, at first only with small-arms—a constant roar and sheets of flame. General La Cotera (at the southwest corner of the plaza), fully exposed to the fire, on horseback, giving his orders with as much coolness as upon a dress parade. Soon there arrived upon the ground two mountain howitzers (they had no heavy artillery) and a Gatling gun, which kept up a constant roar. The mutineers being on the housetops, all of which have flat roofs, and many of them a kind of parapet near the eaves, rising from 2 to 4 feet, were effectually protected from

the shots of the assailants, while the government troops, in the open streets, were fully exposed to *their* shots. The mutineers were but about 600, who had declared for Piérola, but the advantage of their position made them more than equal to the (about) 2,000 government troops. The soldiers fought well on both sides, except that some of the government troops, in the midst of the action, went over to the mutineers (as I learned afterwards; but it was around the corner and out of my view), and some of them whose officers were Piérolists disbanded and dispersed. But I saw not the slightest evidence of cowardice. The private soldiers on both sides are substantially all Cholos Indians, and a few negroes and mixed bloods. These Indians are a mild, gentle, amiable, and very industrious people, who do about all the labor that is done in Peru except by Chinese and negroes; and, though kept in slavery for more than three hundred years (and many still living who have been slaves), they are as good material for the rank and file of an army as can, I think, be found anywhere. They are small, wiry men, capable of much greater endurance than any white race I have ever seen, and only need to be well commanded to make most formidable armies. There was no shrinking as they fought in the streets exposed to the terrible fire from their almost invisible foes. I saw many wounded and carried away; saw several fall and one man killed instantly about five rods from my balcony on the street of Abancay, along which the main force of the government troops were placed—the lower or north end of the Plaza de Bolivar, where the hottest of the fight was, being in full view and about twenty rods from my balcony.

But these details are of no interest to you. I will only further remark that the battle continued from about twenty minutes before five until dusk. The mutineers were not dislodged. Continual defections had been going on among the various other regiments of the government troops elsewhere in the city, one after another going over to Piérola, and by the time that La Cotera returned to the Grand Plaza (on the north side of which the government palace is situated) he found Piérola in full possession of two sides—the east and south. He ordered his cavalry to charge, which they did, but they melted away before the terrible Remingtons of Piérola's infantry. But the government troops kept the north side plaza and the palace. This was early in the evening. The government forces seemed everywhere to be rapidly going over to Piérola, and about this time he received information that the city of Callao had declared for him, as well as the officers of the principal forts and batteries; and though he might, in a very short time, have triumphed in Lima and taken the palace by continuing the fight, he wisely determined (and I hope and believe from motives of humanity) to march with his forces for Callao, which he did, where he was hailed as a deliverer, all the forces, forts, and batteries declaring for him. He took possession of both railroads to Lima. No trains were run during the day. He was simply waiting for the remaining government forces at Lima to disintegrate or to declare for him; and he judged rightly, knowing the powerful influences at work.

The Catholic bishops, with whom Piérola has always been a favorite, went yesterday afternoon to the acting president, La Puerta, and satisfied him that, as the great mass of the people as well as the army were in favor of Piérola, to continue the contest longer would be a wanton waste of life. But La Cotera was the last to yield, and he was only made to yield by the officers of the regiments in the palace itself going to him late yesterday afternoon and assuring him that they could no longer be accountable for the fidelity of their men, and had themselves determined

to yield to Piérola; when, mounting his horse in the patio of the palace, with a few faithful friends as a guard, he rode out of the palace hissed and jeered by the rabble, but undismayed, and, with the rigid features of a bronze statue, scorning the servility of the crowd, rode off to his own house in Lima, preserving his honor and fidelity to the last, and commanding the respect of the thinking class, even of his enemies, who could not fail to see in him one of the last survivors of the proud and chivalric hidalgos of the Spanish race in its better, or, at least, its more heroic age. And yet, among the more intelligent men of all classes, the general verdict is that he was a man of more courage and chivalry than mental capacity.

But, however this may be, there is no avoiding the conviction that all hopes of constitutional government in Peru, for some time to come, went down with him.

Piérola, as is now supposed, will proclaim himself dictator. He is admitted on all hands to be a man of great mental capacity, of boldness, and decision, and it is generally believed that his inclinations are kind and humane. But he most thoroughly believes that in time of war, or any great national crisis, the law of self-preservation is superior to any written constitution. He is now to be tested, and so much is expected of him that it will be hard to meet all those expectations; and it is quite possible he may fail, and, in the course of a year, become as unpopular as Prado is to-day. In the mean time, however, since he has found that the whole responsibility rests upon him, he grows circumspect. He might have come in here last evening (Monday), and taken quiet possession of the palace and the government, and there was none to oppose him. But he waited, was expected to-day, and his friends telegraphed him to come, to which he replied, just before noon, in substance (I saw the dispatch in the telegraph office when it came): "Let all the military officers sign a document stating to whom they acknowledge obedience, so that I may know what orders to issue"; and up to this time, 6.30 p. m., he has not yet arrived in Lima. No one, however, seems to doubt that he will proclaim himself dictator.

I inclose you his letter of last evening, published in his paper this morning in Spanish, and if I can get the time before the mail will translate it.

DECEMBER 24—11 a. m.

Piérola at 7 p. m. came up with a large body of officers and took quiet possession of the palace and the government, and to-day for the first time in three days the doors of the various places of business and of the private dwellings are open, the police are again on duty at every street corner, and all seems quiet and peaceful.

The revolution in this part of Peru is an accomplished fact.

But, am I at once to recognize this revolutionary government or wait for instructions? I think the latter is my true course for the present, and I shall therefore refrain from presenting the commission of Mr. Griffith, as vice-consul at Callao (received by the last mail in your No. 48), for an exequatur.

You will see by my dispatch No. 88 that I had anticipated the present state of things, and asked instructions, which, for the present, I shall await.

I have expected to see before this hour some proclamation or pronunciamento issued by Piérola showing his general plan of government, but up to this hour, 12 m., none has appeared.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 94.—From the South Pacific Times.]

Departure of President Prado.

His Excellency President Prado came from Lima, accompanied by several of his ministers, by the train which left Desamparados Station at 3.5 p. m. on Thursday last. Arriving at Callao, he at once proceeded on board the Pacific Steam Navigation Company's steamer Payta, which left that afternoon on her regular itinerary for Panama. The following morning two documents, of which the following are translations, were published:

Mariano Ignacio Prado, Constitutional President of the Republic.

Inasmuch as I am authorized to leave the country by a legislative resolution of May 2, 1879, and very urgent and important matters demanding my presence abroad, and it being my duty and desire to do all I can in favor of the country,

I decree:

Solely. That the first vice-president take charge of the presidency of the republic in conformity with articles 90 and 93 of the constitution.

* * * * * * *

Given in the government house in Lima on the 18th day of December, 1879.

MARIANO I. PRADO.

Manuel G. de La Cotera.
B. Elguera.
Adolfo Quiroga.
J. M. Quimper.

[Inclosure 2 in No. 94.]

PROCLAMATION OF PRESIDENT PRADO.

The Constitutional President of the Republic to the Nation and to the Army:

Fellow Citizens: The great interests of the country demand that I shall leave to-day for abroad, separating myself for a short time from you, at a time when considerations of a different order counsel my remaining among you. The motives which induce me to adopt this resolution are in reality very great and very powerful. Respect it, for a man who like myself serves his country with good will and complete self denial has a right to exact it.

Soldiers, if your arms suffered partial disaster in the first days of November, on the 27th of the same month they were crowned with glory in the province of Tarapaca. I am sure that under any circumstances you will imitate the example of your comrades in the south.

Peruvians, his excellency the senior vice-president of the republic remains intrusted with the executive power, in accordance with the law. I recommend him to you to aid him in his acts with your co-operation.

In taking leave of you, I give you the assurance that I shall in due time be with you again. Have faith in your fellow-citizen and friend,

MARIANO I. PRADO.

Lima, *December* 18, 1879.

[Inclosure 3 in No. 94.]

PROCLAMATION OF GENERAL PIÉROLA.

To the People and the Army:

Silent and sorrowful before the exigent demands of the people and the army, I resigned myself to circumstances during the days which followed the shameful flight of Prado and the advent of the superannuated General La Puerta, hoping that the army would decide at last to overcome the scruples of a misunderstood loyalty which stayed a part of it from acting according to its convictions, which are those of the nation, and desirous of avoiding any collision between brothers and the loss of a part of our forces.

The headlong and impatient ambition of General La Cotera, after brutally stifling the unanimous voice of the people of Lima and Callao, provoked a conflict yesterday, employing the forces under his command to disarm the patriots of the army whose only aim was the salvation of the country and the defeat of the foreign foe.

In Lima but a few moments sufficed to show how irresistible was the patriotic desire of the people and the army, and it would have sufficed for me to remain a few hours more in the capital to end all resistance.

Yielding, nevertheless, to the motives I have already expressed, I preferred to retire to this city, which has received me without any manner of resistance, to the end of making impossible all chance of strife between brethren and of favoring the tranquil adhesion of those remaining in Lima to the political *régime* proclaimed months ago by the whole nation.

Thus all conflict is made utterly inexcusable, and throws in its true light the responsibility for its evils upon its sole authors.

That portion of the army still under their orders in Lima, will not, I am confident, permit this responsibility to become a fact, to the immeasurable injury of all. The hour of national reparation has struck. In the series of disasters which have marked the history of our foreign war, Peru has no part. In shaking off, as she now does, the old rule, she raises the most eloquent protests against that deplorable history, and presents herself worthy of her name and her destinies before the other peoples of the earth.

For us there is, as there can only be, but one aspiration: a swift and full triumph over the foreign enemy. To achieve this work, we are now all brothers, without the memory even of our past divisions, and drawn one to another by the indissoluble tie of love for Peru.

Whatever may retard for an instant the complete national unity is an act of treason to our country. Unity is the one condition of the power and triumph of Peru. To that end has ever consecrated and now consecrates his most zealous efforts, your fellow citizen and comrade in arms,

N. DE PIÉROLA.

CALLAO, *December* 22, 1879.

No. 215.

Mr. Christiancy to Mr. Evarts.

No. 97.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 24, 1879. (Received January 22, 1880.)

SIR: I have the honor to inclose you a copy of my letter of the 19th instant to our consul at Iquique, in reference to his mails and in reference to his consular duties while that place shall remain in full possession of the Chilian forces.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 97.]

Mr. Christiaucy to Mr. Merriman.

DEAR SIR: Your two letters of the 23d ultimo were received some days since, and your previous letter as to the mails being stopped at Arica. But I waited to answer until I could see some way of getting a letter to you. Admiral Rodgers informs me that the English admiral expects to send one of his vessels as far south as Iquique, on Saturday, the 20th, and that he has politely offered to take any mail for him or me.

As to the mail having been heretofore stopped at Arica, this seemed unavoidable, as this government, so far as it had the power, had closed the port of Iquique. The minister of foreign affairs informs me that their post-office department will see that all the mail for you from here shall, as far as in their power, be delivered to our consular agent, Mr. Nugent, at Arica, to be forwarded by him in any way he may find practicable.

I notice what you say of the proceedings on the surrender of Iquique to the Chilian forces, and the means taken to preserve order. I think your course and that of the consular corps was wise and prudent. The document signed by the consular corps, with its translation, was also received, which, I think, shows that you acted wisely and well.

As to your suggestion to have it published, I did not think it right to publish it without the consent of the government here, and called on the minister for foreign relations for the purpose of ascertaining his wishes in the matter, and left with him for examination the Spanish copy, to be returned after he should have examined it. Two or three days after, he returned it, but without saying whether he wished it published or not; and as so much time had passed I did not think it best to press the publication so long after the event. But the government have not indicated to me the slightest disapprobation of the course you pursued, nor of the action of the consular corps.

I suppose you have forwarded a copy to Washington, and given them full information, or I would have sent a copy of this document and of your letter.

The taking of Iquique by the Chilian forces very materially circumscribes the sphere of your official powers; for while that place, or any other over which your jurisdiction as consul previously extended, is clearly under the complete control of the Chilian power, you can exercise no strictly official power except by the courtesy and consent of the Chilian authorities. They have the right, while in complete possession and control, to establish their own regulations, and may, if they choose, give to the captain of the port, for instance, or any other official appointed by them, full authority to grant clearances to vessels, &c., during their occupation of the place. Doubtless, from comity or courtesy (as they seem lately to be very liberal neutrals), they might assent to your exercising your official functions. But as Peru has, so far as she has the power, declared the port of Iquique closed, and you exercise your functions only by virtue of an appointment to Peru and under an exequatur from that power, I should recommend that you abstain from granting clearances to any vessels which would ostensibly give the right to enter Peruvian ports, because this, I am quite sure, would not now be respected by the Peruvian authorities.

While the complete and efficient control of the Chilian authorities continues over any part of the territory within your former jurisdiction, I should not attempt to exercise official functions in such territory occupied by them, except with the express or tacit approval of the Chilian authorities. But from comity and courtesy those authorities will doubtless recognize you as the protector of American citizens and their interests. It is for the present but a mere suspension of your official functions; and if Iquique or any other place within your former jurisdiction, now in the control of Chili, should in the end revert to Peru, your official functions would also revert to you as before.

I am, &c.,

I. P. CHRISTIANCY.

No. 216.

Mr. Christiancy to Mr. Evarts.

No. 98.] LEGATION OF THE UNITED STATES,

Lima, Peru, December 31, 1879. (Received January 22, 1880.)

SIR: Referring to my dispatch No. 94, showing the events which led to the breaking up of the old (nominally) constitutional government and the accession of Don Nicolás de Piérola to the dictatorship, I have the honor to inclose you several decrees and addresses of the dictator, showing the nature of the government established by him and the nature of the means employed to carry his will into effect; all of which, as you will perceive, have the merit of clearness and brevity.

From these various papers you will be able to judge of the present status of the government here.

I enumerate these various papers in the statement of inclosures herein.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 98.—Translation.]

NICOLÁS DE PIÉROLA, Supreme Head of the Republic:

Considering:

Firstly. That the inhabitants of Lima and Callao, by their respective acts, have spontaneously invested me with the supreme authority in the State, with full and complete powers;

Secondly. That the army and navy of the republic have adhered to this step, which has been long the general aspiration of the country, and that it is confirmed by the army in the south and by all the towns in telegraphic communication with the capital;

I decree:

SOLE ARTICLE. With the title of Supreme Head of the Republic I accept the position and powers with which I have been invested.

The chief clerk of the ministry of foreign affairs is intrusted with the publication and communication to the proper persons of this decree.

Given in the government house in Lima, this 23d day of the month of December, 1879.

NICOLÁS DE PIÉROLA.

By order of his excellency.
The chief clerk of foreign affairs,
E. LARRABURE Y UNÁNUE.

[Inclosure 2 in No. 98.—Translation.]

Letter to His Holiness, Leon XIII.

NICOLÁS DE PIÉROLA, *Supreme Chief of the Republic of Peru.*

MOST BLESSED FATHER: A spontaneous vote of Peru, given simultaneously and unanimously by the people and the military and naval forces, has just invested me with the supreme command of the republic, with omnipotent powers, which, in accordance with national inspirations, manifested perseveringly for some time back, and with the most ardent desires of my heart, will be employed for the regeneration of the political institutions, which urgently demand it, striving before all else to prepare the triumph of our arms in the war in which we are engaged with Chili.

In communicating to your holiness my investiture with the supreme authority of this republic, so dear to the paternal heart of your holiness, I feel the most intimate complacency in solemnly ratifying the sentiments of unyielding faith and filial love with which I kiss the august hands of your holiness, asking from you your apostolic benediction.

Given in the palace of Lima on the 23d day of the month of December, in the year of Grace 1879.

[L. S.] NICOLÁS DE PIÉROLA.

The secretary of State for the department of foreign affairs and worship:
P. JOSÉ CALDERON.

[Inclosure 3 in No. 98.—Translation.]

The supreme chief has addressed the following letter to the chiefs of friendly States:

NICOLÁS DE PIÉROLA, *Supreme Chief of the Republic of Peru.*

GREAT AND GOOD FRIEND: The unanimous acclaim of the people, the army, and the navy of the country has just invested me with the supreme magistracy of Peru, with omnipotent authority, which I shall exercise, keeping in view the regeneration which our institutions demand, but above all and before all the triumph of the arms of the republic in the war in which it is engaged with Chili.

In announcing to ——— ——— my investiture with the supreme power, I have the very especial satisfaction of expressing the sentiments of loyal friendship in which I abound towards the and the person of , for whose prosperity and glory I offer the most sincere and fervent prayers.

Given in the palace of Lima on the twenty-third day of the month of December, in the year of our Lord 1879.

[L. S.] NICOLÁS DE PIÉROLA.

The secretary of state for the department of foreign affairs and worship:
PEDRO JOSÉ CALDERON.

[Inclosure 4 in No. 98.—Translation.]

NICOLÁS DE PIÉROLA, *Supreme Head of the Republic.*

Considering the inconvenience of the decree of interdiction of the 8th of November last, it is hereby annulled.

The secretary of finance is intrusted with the fulfillment, publication, and circulation of this decree.

Given in the government house in Lima this 25th day of December, 1879.

N. DE PIÉROLA.

MANUEL A. BARINAGA.

[Inclosure 5 in No. 89.—Translation.]

Provisional statute.

NICOLÁS DE PIÉROLA, *Supreme Head of the State.*

Inasmuch as it is my intention to conciliate the respect due to natural justice and the traditional policy of the republic, with the ample and speedy action which the regeneration of our institutions and the definite and glorious triumph of the national arms require—

I do hereby sanction the following provisional statute:

ARTICLE 1. The sovereignty and independence of Peru are the bases of its political and social existence.

ART. 2. The unity of the Peruvian family and the integrity of the territory, historically and juridically belonging to it, cannot be interrupted nor lessened without committing an act of treason against the country.

ART. 3. Article 4 of the old constitution relating to the religion of the State will remain unaltered.

ART. 4. The government guarantees primary instruction to all citizens, and encourages superior and scientific instruction.

ART. 5. The independence of the judicial power is sanctioned; but the government reserves to itself the right of watching effectively over the prompt and correct administration of justice.

ART. 6. The civil and penal codes remain in full vigor and force, whilst the necessary reforms are being initiated with regard to them.

ART. 7. Personal security, liberty, and property are guaranteed by the government.

The right to honor; equality in the eyes of the law; the liberty of the press, anonymous writings being prohibited; any such will be punished as pasquinades. Offenses committed through the medium of the press will not change their nature thereby, and will therefore be judg-d by the respective courts.

The liberty of industry, provided that same be no way harmful.

The liberty of association.

The right of petitioning for justice or pardon, individually or collectively, but in due form and manner.

ART. 8. Treason against the country, military cowardice and insubordination, desertion in the field, peculation, breach of public trust, bribery, embezzlement of public property, premeditated and treacherous homicide, robbing in gangs, whatever be the condition of the guilty party or the character with which he be invested, will be judged according to military law during the present war, and capital punishment inflicted. The property of anonymous societies, industrial, mercantile, or banking establishments, will be considered as public property for the application of the sentence.

ART. 9. Civic virtues and brave and heroic deeds will be rewarded by the munificence of the nation through the medium of its head.

ART. 10. A council of state is hereby created, composed as follows:

Of the archbishop of Lima.

The president of the congress of jurists.

The president of the supreme court of justice.

The president of the comptroller's office.

The prior of the consulate court (of commerce).

The rector of the University of Lima, and six councillors more, who will be appointed by the Supreme Head of the Republic, and one of whom must be a general of the army.

ART. 11. The government will consult the council of state with regard to such matters as, in its opinion, may require it. It will also act as a court of appeal and final decision in all litigious questions connected with the administration.

ART. 12. This statute will remain in force until the republic be endowed with definite institutions.

Given in the government house in Lima this twenty-seventh day of the month of December, 1879.

NICOLÁS DE PIÉROLA.

The secretary of state for foreign affairs and worship, and temporarily for government and police:

PEDRO JOSÉ CALDERON.

The secretary of state for justice and instruction:

FEDERICO PÁNIZO.

The secretary of state for public works, commerce, &c.:

MARIANO ECHEGARAY.

The secretary of state for war:

MIGUEL IGLESIAS.

The secretary of state for maritime affairs:

MANUEL VILLAR.

The secretary of state for financial matters:

MANUEL A. BARINAGA.

[Inclosure 6 in No. 98.]

Military organization of the Republic.

NICOLÁS DE PIÉROLA, *Supreme Head of the Republic.*

Considering:

That it is absolutely necessary to furnish the country with a proper military organization in order to insure the defense of its sovereignty and integrity of its territory,

I decree:

ARTICLE 1. The military forces of the nation will be formed of four armies in active service, as follows: Two armies of the south, styled first and second, respectively; one army of the center; one army of the north.

ART. 2. The reserve forces of these armies will be divided into *movable and stationary reserves.*

ART. 3. The following rule will be observed in raising the contingents for the formation of the different armies: Every Peruvian from 18 to 30 years of age must enter the army on active service, and those from 31 to 50 years old the reserve.

ART. 4. The respective contingents will be formed by the sub-prefects of the provinces, and placed at the orders of the departmental authorities.

ART. 5. The following are exempted from obligation of belonging to the army on active service and the movable reserves:

1st. All public employés in general.

2d. Professors of instruction exercising their profession.

3d. Members of colleges and universities.

4th. Those citizens who contribute 50 soles or more monthly for the war.

5th. Proprietors and employés of printing offices and printers.

6th. Lawyers and medical men exercising their professions, as proved by the respective license.

7th. Hospital and ambulance employés.

8th. The only sons of widowed mothers.

9th. The only brother of any citizen killed in the battles of the present war.

10th. All citizens physically disqualified for the profession of arms.

ART. 6. The stationary reserve will be formed of the citizens exempted by the foregoing article, and the superfluous forces of the movable reserve.

ART. 7. The contingents of the army on active service which result to be superfluous will join the reserves.

ART. 8. The organization of the armies will be decreed separately.

ART. 9. The secretary of state for war is intrusted with the fulfillment of this decree.

Given in the government house in Lima this 26th day of December, 1879.

N. DE PIÉROLA.

MIGUEL IGLESIAS.

No. 217.

Mr. Christiancy to Mr. Evarts.

No. 99.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 31, 1879. (Received January 22, 1880.)

SIR: I have the honor to inform you that on the 26th instant I received a notice from the dean of the diplomatic corps, the legate of the Pope, that a meeting of the diplomatic corps in Lima would be held at his legation on the 28th at 3 p. m., and inviting me to attend, which I did.

I found, on meeting with the corps, as I expected, that it had reference to a recognition of the newly-installed government of Piérola, who had, through the dean, invited all the corps to call upon him at the palace on the 1st proximo, as had been customary here.

I listened for some time to what they had to say, and found that, so far as any expression was given, it was in favor of accepting the invitation. I then inquired if it was to be understood that the acceptance of the invitation would be considered as equivalent to a full recognition by our respective governments of the newly-established government, to which most, if not all of them, replied in the affirmative. I then explained fully to the corps the principles upon which I understood our government to act substantially as you will find stated in the inclosed letter to Mr. Calderon, the secretary of foreign relations, and said to the corps that I could not accept the invitation and make the call, except subject to that explanation, and reserving to my government the right to decide that question for itself; and that if I did attend it would be under an express explanation to this effect, but I also informed them that about the beginning of the month, anticipating the contingency which has happened, I had written for instructions, &c.

At the conclusion of the meeting I had in fact come to the conclusion that I would not join the corps in making the call, but subsequent reflection satisfied me that an unconditional refusal on my part (when all the other representatives of foreign powers had resolved to accept) might be interpreted as unfriendly to the government, which is, after all, the only government here, and so far as we have yet been able to hear from the people of Peru, much more acceptable to, and popular with, the people than the government it has displaced. I therefore concluded, in order to avoid misconstruction, to take the middle course indicated by the letter, a copy of which I inclose.

Hoping before this reaches you to have instructions which will authorize me to act,

I remain, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 99.]

Mr. Christiancy to Señor Calderon.

LEGATION OF THE UNITED STATES,
Lima, Peru, December 30, 1879.

MONSIEUR LE SECRÉTAIRE: I have the honor to acknowledge the receipt of your letter of the 26th instant (No. 30), informing me of the change in the Government of Peru, which has resulted in constituting His Excellency Don Nicolás de Piérola supreme head or governor of Peru, with full powers, &c, and that your excellency has been appointed secretary of foreign relations and worship. I cordially reciprocate

the wish expressed by your excellency that the ties of friendship now so happily existing between the Republics of Peru and the United States of America may become every day more intimate under whatever form of government the people of Peru may choose to adopt.

But your excellency will appreciate the frankness and candor which compel me, as the representative of the United States of America, to explain the principles upon which, according to my understanding, my government acts upon the question of recognizing governments originating in revolution, and not according to the constitution or accustomed forms of law.

The Government of the United States recognize the people in all governments as the only legitimate source of political or governmental power, and though itself a constituent government it recognizes equally the legitimacy of any form of government the people of any nation may choose to adopt, either by formal vote or by tacit consent evinced by general acquiescence.

But being itself, and for itself, thoroughly devoted to constitutional government, it has not, as I understand its policy, committed to its ministers abroad, without instructions, the discretion and the right to bind it unconditionally upon the question of recognizing a new form of government, as in the present case, or. in other words, of finally deciding upon the nature and amount of the evidence showing the approval or acquiescence of the people in the change. And the case must be a very clear one indeed which would authorize its minister to take definitive action without instructions. In this view, and anticipating the change which has taken place here about the 1st of the present month, I asked instructions from my government with reference to the contingency which has occurred, and shall expect to receive them in the course of two or at most three weeks from this date.

In the mean time, while, from personal respect for the chief of the State and for yourself personally, as well as from a desire to throw no obstacle in the way of the successful action of the government, I may take part in acts from which recognition by my government might otherwise be implied. I, therefore, ask to reserve to my government the right of final decision of the question of recognition.

I avail myself, &c.,

I. P. CHRISTIANCY.

No. 218.

Mr. Christiancy to Mr. Evarts.

No. 102.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 6, 1880. (Received February 3.)

SIR: Referring to my dispatches Nos. 90 and 91, I will say that there is little news of any importance of the operations of the armies on land; though the Chilians having now full possession of Tarapaca (and apparently will soon have of Tacna and all that vicinity) if not by this time of Moquequa (or Moquehua) have, as we learn to-day, landed a small force at Ylo and blockaded Mollendo, and it seems probable they intend to take those places, and with the force they now have and reinforcements about to be sent, to effectually cut off the communication of the allies at Arica with the interior by land, as they have already cut them off by sea, and thus, in time, to compel their surrender.

Peru has literally now no fleet afloat, except what is in the harbor of Callao, and one monitor at Arica. Chili has not yet attempted to blockade Callao, but is carrying on a desultory warfare upon Peruvian launches along the coast, and has destroyed all the guano works and launches at Lobos de Afuera, putting a full stop to all the guano trade of Peru for the present.

General (or President) Daza was deposed from the command of the Bolivian army on the 27th ultimo, but whether by the Bolivian Government or by the army officers, or both, I cannot yet ascertain, nor whether it is intended to deprive him of his position as President. But

Col. D. E. Camacho commands the Bolivian army; and the movement which brought about this change seems to have been one strongly in favor of the Peruvian alliance.

The government here is rapidly raising troops in the interior and bringing them to Lima and Callao; but they are of little use here, unless the Chilians should make a land attack here, which they will not do while the allies have their present strong force in the south, and the troops here cannot be sent to the aid of the army in the south by water, even as far as Mollendo, without an even chance of being captured; and to send them by land with the necessary munitions and supplies would require several months.

The present government keeps its own council better than the old, and we therefore can form no definite opinion as to the uses intended to be made of the large and constantly-increasing force here, whether it be intended for the southern army or only to meet an attack here should the southern army be defeated or compelled to capitulate. In the mean time the finances are not improving. Paper soles have stood now for about a week at 85 for an American double eagle, or say 83 for a draft on New York, and the sol is worth in exchange on London a fraction over 11 pence. What is to improve its value I do not see, though I see many causes which may reduce it still more.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—January 7.—It now appears from news just received that Daza was deposed by the unanimous voice of the officers of the Bolivian army. We have also a rumor of a revolution in Bolivia, putting Dr. Oblitas in power, but nothing definite.

No. 219.

Mr. Christiancy to Mr. Evarts.

No. 103.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 7, 1880. (Received February 3.)

SIR: Referring to my dispatch No. 98, I have the honor to say that I intended to have inclosed you in that dispatch the letter of General de la Cotera of the 27th ultimo, justifying his action in the late (nominally) constitutional government, which had not been translated by the press into English at the date of my dispatch, and which I had no time to translate. I inclose you now a translation taken from the South Pacific Times of the 1st instant. This explanation or appeal to the public would have had much more moral effect here if the author himself had not been known as a chronic revolutionist in the past, and if it were not quite generally believed here, as intimated in my dispatch No. 88, that he was the secret instigator of the abortive uprising of the 22d November to make him, instead of Piérola, dictator. But whatever may be the final verdict of history, the verdict of Peru, if taken to-day, would be that circumstances alone, and not principle, had made him; for the moment, the representative of constitutional government, that his sentiments of chivalry and personal honor were too strong to permit him to abandon the position in which he had been placed, *unless* by such *abandonment* he could *himself* be made dictator; that he has always

appeared to better advantage in defeat than in victory, and that he never exhibited so much elevation of character as in his final, crushing defeat and deposition from power—if it should prove to be final. As to the government of the dictatorship, it must be acknowledged that it has shown much more activity, vigor, and consistency of purpose than the old.

It has been very prolific in decrees, which are too numerous for me to undertake to translate. They will soon constitute a code of themselves. At present they mostly relate to perfecting the organization of the government, and are generally well calculated to effect their object. In style they are admirable for their brevity—a brevity, however, which when the decree relates to individual rights (like most other dictatorial decrees) is ominous of liberty; and which assumes that all human affairs can be regulated upon a few straight lines or mathematical curves, and wholly ignores the infinite variety of forms which they assume, and subjects all those rights to what one man may determine that the public exigencies require.

I call your attention here to that portion of the decree in the nature of a provisional statute (sent you in my dispatch No. 98), which relates to the press, and the official construction which has been given it. Though by its terms only intended to take effect in thirty days, it has been officially construed to take effect at once in Lima and Callao. It has also been construed and enforced, as prohibiting a mere compilation of news from other papers, without the signature of the compiler; from which it will be seen that the same arbitrary discretion has been assumed in the construction as in the enactment of the decree.

But a decree suppressing the liberty of the press seems everywhere to be and to have been the logical and necessary consequence of a dictatorship.

I call attention, also, to that provision of the provisional statute in reference to religion, which, though in exact accord with the constitution, indicates by the promptness with which it was announced by decree, the influences which brought about the dictatorship and which are to be at once conciliated. The provision of the constitution referred to (Article 4) is in these words: "La nacion profesa la religion Catolica, Apostolica Romana, el estado la proteje, y no permite el ejercicio de otra alguna." Anglice: The nation professes the Catholic Apostolic Roman religion; the State protects it and does not permit the public exercise of any other.

But whatever may be the merits or demerits of the present dictatorial government, one thing is thus far clear, so far as yet heard from all parts of Peru, it seems not only to be acquiesced in, but to have met the approval of the people, the army and the navy, and, therefore, as I understand the principles adopted by our government, must be recognized as the choice of the people of Peru, and, therefore, in the international sense legitimate. There is no pretense of any other government.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 103.—Translation.]

Manifest of General la Cotera to the nation.

Although I calmly await the verdict of history with the clear conscience and proper pride which the fulfilment of duty inspires, I consider it right to protest before the

country against the unfounded and rash accusation which the leader who has victoriously raised himself to power upon the ruins of the constitution, has launched at me.

Don Nicolas de Piérola looking about him for a victim, has chosen the writer as the object upon whose reputation as a soldier of the law, to cast the dark shadow of blame, a shadow which the conduct of the army itself has tended to dissipate, which in the moment of trial, seconding the example of its principal commanders, made the road easy for him to raise himself to power.

My stupid and impatient ambition is, in the opinion of the supreme head, the sole cause of the disgraceful and lamentable events of Sunday last; an ambition that was endeavoring to realize by various means, the political regeneration which the *outlaw of yesterday* and the *patriot always* has undertaken in face of the foreign invader, tearing into pieces the banner of the law.

Therefore it is easily to be understood that supposing me to have entertained those freedom-stifling intentions, it has not been that ambition which we both possessed in Señor Piérola's opinion that induced him to upset legality, but the fear lest it should not be he but myself, who should put, it into practice.

The country can consequently judge which of the two has been most animated with a *stupid and impatient ambition*. With regard to myself, there has only been the groundless suspicion of such a thing, whereas in the case of Señor Piérola that ambition has been practically evidenced, the writer's only crime in the eyes of his party, consisting in having endeavored, as a minister of the law, to defend constitutional order. If this is a crime, I am proud of being guilty of it.

To a calm and dispassionate observer of the late events, it is an undeniable truth that the triumph of Señor Pierola is due to the attitude assumed by the army, an army formed principally by myself, with all the abnegation and impartiality which the country's defense demanded of me. In forming it I had solely in view the luster of the noble profession which I have from an early age and the triumph of our arms over the treacherous enemy that has invaded our soil.

I never stopped to consider the political bearing of the officers to whose care I entrusted the brave bodies of men that swarmed in from the departments at the sacred call of an endangered country, and although I was aware that many of the generals and colonels I gave commands to, were addicted to Señor Piérola's cause, I never once harbored the slightest suspicion that in the critical moments we are passing through they would disregard the mandates of the law.

Colonel Arguedas is an example of the truth of my assertion. His sympathies for the political cause which has now triumphed were well known to me; notwithstanding I willingly gave him of the "Yca" battalion, in the belief that when the moment arrived for him to do battle with the foreign foe, he would fully sustain the reputation of our army.

Where, then, is that stupid ambition?

As minister and as an old soldier, I should have sought the aid of my companions in arms for the attainment of my revolutionary plans, and notwithstanding events have proved the falsity of the imputation with which they have endeavored to tarnish my honor, and shown that that army, my own creation, was a powerful auxiliary of a strange and impatient ambition.

History will judge the high representatives of that army, who, disobeying the legal government in the hour of danger, urged their subordinates to revolt and desertion; a fatal precedent which will prove a source of bitter and tremendous woe to the country.

The result of the late events, however, is perfectly logical. A target for the vengeful arrows of two parties, which for a long time have been striving for power, and one of them counting with the sympathies of the men who were called upon to defend the constitution, it was natural that I should succumb, alone and abandoned.

To the "Civil" party, to whose cause I have never lent my humble aid, I have been a living threat; to the Piérolists an obstacle.

Previous to last Sunday Civilists and Piérolists together respected the authority of the government of which I formed a part; but on that day of the final result the joy of the latter has been as the sadness of the former. A providential punishment! the voluntary suicide of a party devoured in the last days of its existence by rage and hatred.

There, therefore, remains to me the satisfaction of returning to private life without anything to stain my reputation as an old soldier, having fulfilled my sacred duty in the high position of president of the council of ministers and minister of war, conquered, it is true, but not in fair fight, as I have been accustomed to conquer and be conquered during my long public career.

With regard to my proceedings as a minister, I appeal to the impartial testimony of those of my fellow-citizens who are not blinded by political passions.

As long as I was a minister, my sole efforts were for the defense of the country; and in the firm persuasion that any revolution under present circumstances was a crime, I have fallen in defense of legality.

I trust, also, to the gentlemanly feelings of my successor that he will find valuable

elements ready to hand, due to my persevering activity, and about which I do not consider it necessary to enter into particulars.

In a calm and resigned state of mind, therefore, I have no fear of the wrath of the powerful, and in the privacy of my home, far from the fierce arena of politics, I shall only gird on my sword again to fight the common foe.

MANUEL GONZALEZ DE LA COTERA.

LIMA, *December* 27, 1879.

No. 220.

Mr Christiancy to Mr. Evarts.

No. 104.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 14, 1880. (Received February 7.)

SIR: I have the honor to inclose to you translations (taken from the South Pacific Times of yesterday) of several decrees of the Supreme Head of the Republic, and of other papers, showing the action of the government, as enumerated in the list of enclosures hereto appended.

These various decrees explain themselves about as well as I can explain them in a single dispatch, except that releasing the German steamer Luxor. That steamer was seized at Callao in May or early in June last for having brought contraband of war (guns and ammunition) from Montevideo to Valparaiso, for the Chilian Government. She was condemned by the prize court of Peru, and that decision affirmed by the supreme court of Peru. Still as she was not seized *flagrante delicto*, nor until her outward voyage had been completed and she had discharged her cargo at Callao, and was taking on return cargo, many doubts were expressed on the legality of the sentence. Some of the foreign ministers here had emphatically denied its legality. I was asked to give my opinion, but declined, as I could see no reason to justify me in meddling with it.

There was one thing, however, which weakened the force of the judgment materially. The court had based their judgment mainly on the ground of Peruvian statute law; and Peru alone could not create international law.

I have, &c.

I. P. CHRISTIANCY.

[Inclosure 1 in No. 104.]

THE FOREIGN DEBT.

NICOLAS DE PIÉROLA, *Supreme Head of the Republic.*

Considering—

First. That it is absolutely necessary to provide for the payment of the foreign debt of Peru, and to better the unfavorable conditions in which our creditors are placed, to their own prejudice and that of the credit of the nation.

Second. That the fiscal state to which the country is reduced, renders it impossible for it to fulfill to the letter the obligations it has contracted with respect to the holders of bonds of the foreign debt, and it is therefore compelled to discharge said obligations as far as its present resources will allow.

Third. That the greater portion of that debt originated in the construction of the national railways, to which purpose the loan was applied, and that, not only are the said railways specially mortgaged for the payment of the debt in question, but, the latter not being able to be duly attended to, they belong by right to our creditors.

Fourth. That the portion of the national territory where the guano deposits lie, also reserved for the payment of our foreign debt, having been occupied by the enemy, until said territory be recovered it is impossible to attend with the product of those resources

to the payment of the debt, and it is indispensable, for the sake of our creditors themselves, to look with preference to the guano stocks in Europe for the necessary funds wherewith to attend to the prompt recovery of said territory.

Fifth. That as a modification of the conditions of payment of our debt is inevitable, the changing of the scrip likewise becomes inevitable.

I decree:

First. That the debts contracted in Europe in 1870, that which bears the name of the 1872 loan, and the bonds issued for the Pisco and Ica railroad, be consolidated into one single debt.

Second. That the following national railways, as they now stand, be made over to the holders of the bonds of the foreign debt of Peru, viz: the Mollendo and Cuzco, Ilo and Moquegua, Pisco, Ica, Lima, Chancay and Huacho, Callao and Oroya, Salaverry and Trujillo, Chimbote and Huaraz, Pascamayo and Cajamarca, and Payta, and Piura, for the amount of their cost in coin, the shares being exchanged for the bonds at par.

Third. Every bondholder will receive in railway shares and in new scrip, the total value of his present bonds, in the proportion of the amount for which the railways are handed over to the remnant of bonds to be exchanged.

Fourth. The transfer to be unconditional and effectual; so that the state will not exercise other rights over the said railways than those which it possesses over railways constructed and worked by private industry.

Fifth. The companies which may be constituted proprietors of these lines are authorized to extend them to their termination, and work them, enjoying an exclusive privilege during twenty-five years, to be counted from the date of transfer, and with the liberty of importing free of duty the materials required for the termination of such lines as are not entirely finished.

Sixth. In order to effect the operations to which the present decrees refer, let a committee be appointed in London, to be presided over by the minister plenipotentiary of Peru in Great Britain, and to be composed of himself, of the representative of the firm which last served as financial agent for Peru in Europe, and a citizen to be appointed by government. The bondholders, should they think fit, can depute two representatives of their own to take part in the labors of said committee.

Seventh. The transfer of property referred to the preceding articles having been effected, the remaining bonds of the foreign debt will be converted into new scrip at par, bearing the same name as that exchanged, which scrip will be served with an accumulative four per cent. per annum, applicable to the interest of two and a half per cent. each year, payable half yearly, and one and a half per cent. sinking-fund.

Eighth. The amortization will take place every six months, by means of sealed tenders under par, presented to the financial agency, and by lot, at par, for such portion as said sinking-fund fails to cover.

Ninth. Peru devotes to this service, as soon as the exportation of guano is resumed, the sum of two pounds on every ton which it sells in the markets of Europe and colonies (excepting the markets of France and Belgium), said two pounds to be deposited in the Bank of England by the seller of the Peruvian guano in the aforesaid markets, the half yearly service of the bonds being attended to with these funds, and whatever is over to be reserved for the next half year for the same purpose.

Tenth. In order fully to guarantee said service, the obligation of the contractor with Peru to make the deposit in question will be inserted in the guano-sale contracts which Peru may make; the holders of Peruvian bonds being henceforth and for the future authorized to embargo the guano exported, should said deposit not be made.

Eleventh. The stock of guano at present existing in Europe and its colonies, after the obligation it is pledged to, and the sum which Peru takes for the releasing of the guano deposits now occupied by the enemy, are discharged, will be applied to the extraordinary amortization of the Peruvian bonds, the service of interests and ordinary amortization to commence from the date of resumption of exportation of the article.

Twelfth. The representative of Peru in Europe will inform the holders of Peruvian bonds of the present decree.

The secretary of state of finance is intrusted with the fulfillment of this decree.

Given in the government house in Lima, this 7th day of the month of January, 1880.

NICOLAS DE PIÉROLA.

MANUEL A. BARINAGA.

[Inclosure 2 in No. 104.]

THE GUANO LOAN.

Inasmuch as the questions pending between the Supreme Government of Peru and the firm of Dreyfus Bros. & Co., of Paris, have this day been arranged, as shown in the respective contract; and as it has become absolutely necessary to put an immediate

stop to the depreciation of guano in Europe, and the ruinous competition for Peru between the sellers of the article, no less than to provide the treasury with funds wherewith to attend to the expenses of the present war, and the Peruvian Guano Company having hitherto opposed difficulties in the way of selling the guano at the price which the treasury can obtain for it:

His honor, the secretary of finance, representing the Supreme Government of Peru, and Mr. Frederick Ford, representing the firm of Dreyfus Bros. & Co., of Paris, have agreed to the following:

1. Dreyfus Bros. & Co. bind themselves to purchase all the guano not sold to the public by the Peruvian Guano Company, Limited, and which the latter company possesses in stock or may add to their stock by exportation.

2. This guano will be paid for by the purchasers without an analysis being made of same previously, and according as they go on receiving it, at a uniform price of eleven pounds fifteen shillings per ton.

3. The Peruvian Guano Company will keep possession of the guano as a guarantee for its value, and will hand it over to Dreyfus Bros. & Co., according as the latter pay for it; the quantity delivered must not be less than one hundred thousand tons per half year. For this quantity they will pay the Peruvian Guano Company the proportion which corresponds to them by virtue of the following article, and the difference between that portion and the price fixed per ton they will carry in account with the Peruvian Government.

4. In order to fix the amount due to the Peruvian Guano Company on every ton of guano, the government accepts provisionally the debt balance against Peru, shown by their accounts presented up to the date of the coming into force of the present contract, and the amount of same, divided by the total number of tons in stock and afloat, will be the proportion corresponding to the company for every ton of guano delivered by it, Peru reserving to herself the right to question, when necessary, the correctness of the accounts of the company, any errors in which will be deducted from the last tons of guano to be delivered.

5. The actual stock of guano in Europe, and that afloat, being composed of guano of different qualities, and it being, therefore, necessary that the purchasers should first proceed to mix same, in order to obtain a uniform quality, Dreyfus Bros. & Co. will choose the one hundred thousand tons, the minimum half-yearly quantity, from the guano of different qualities in stock and afloat.

6. The Peruvian Guano Company will deliver the guano, free of all expenses, as they at present do with their customers, to Dreyfus Bros. & Co. or to their order.

7. Dreyfus Bros. & Co. will advance the treasury the sum of ——— (1) on account of the proportional amount corresponding to the Supreme Government of Peru on every ton of guano, after the proportion due the Peruvian Guano Company be deducted.

8. The government will draw bills at ninety days sight for this amount. This advance will gain a half-yearly interest of two and a half per cent., calculated on the balance remaining at the end of every six months, and it will be paid off with the proportion corresponding to the Peruvian Government on every ton of guano sold.

9. The Supreme Government of Peru binds itself not to export nor permit that others export any guano whatsoever to Europe and its colonies until the present stock be exhausted, with the exception of a reserve stock sufficient for six months' sale. The purchasers will take upon themselves the responsibility of advising when any market finds itself in such a condition. The government pledges the word of the nation not to export, nor to permit others to export any guano whatsoever to the before-mentioned markets, so long as the contract remains in force. Any cargo of guano introduced into them in spite of this stipulation will be forfeited, the introducers likewise suffering the penalties established by the penal laws of the respective countries. For this purpose the government invests the purchaser with the requisite powers in order that they may institute the necessary proceedings before the respective courts. The guano forfeited will be sold by the purchasing firm, and a commission of fifteen per cent. upon the net product of same paid into the Peruvian treasury.

10. The Supreme Government of Peru pledges itself not to receive from the Peruvian Guano Company, or from any other party, any sum whatsoever upon the guano to which this contract refers, for which purpose it will inform the Peruvian Guano Company and its agents of same having been made, Dreyfus Bros. & Co. being authorized to notify them also for their own part.

11. The Supreme Government of Peru binds itself to guarantee the interests of the holders of bonds of the external debt, so that the advance stipulated in the present contract may not signify any responsibility whatsoever for the purchasers, Dreyfus Bros. & Co.

12. The alienation and transfer of the guano, purchased and paid for by the latter, is unconditional and absolute, and they can in consequence dispose of same as they think best.

13. The purchase and advance accounts presented by Dreyfus Bros. & Co. will be examined and decided upon within the half year succeeding their presentation, at the expiration of which they will be considered as approved.

14. The profits which Dreyfus Bros. & Co. may derive from this contract are not liable to taxation in Peru.

15. This contract will only come into force should the Peruvian Guano Company not wish to enter into it for its own account. The Supreme Government of Peru, in event of said company not desiring to take it itself, pledging itself to remove all opposition which the said company might offer and bring the contract into force.

16. * * * * * *

Signed in duplicate in Lima this seventh day of the month of January, eighteen hundred and eighty.

MANUEL A. BARINAGA.
FRED. FORD,
Representing Dreyfus Bros. & Co.

LIMA, *January* 7, 1880.

The present proposed contract having been examined and found suitable to the fiscal interests, *it is hereby approved* in all its parts, and, consequently, let it be transcribed to the financial agent of Peru in Europe.

Register in the book of private documents in the council of secretaries, &c.

Rubric of H. E.

BARINAGA.

[Inclosure 3 in No. 104.]

ARRANGEMENT OF THE QUESTIONS PENDING BETWEEN THE GOVERNMENT AND THE FIRM OF DREYFUS BROS. & CO.

Inasmuch as it is indispensable that the questions which have arisen between the Supreme Government of Peru and the firm of Dreyfus Brothers & Co., of Paris, be at once settled, and that the guano market in Europe and the colonies be unburdened, so that Peru may be able to effect the sale of that article, without the injurious competition which would exist if Dreyfus Bros. & Co. were to continue likewise, and at the same time disposing of the guano they hold in stock and that which they export, his honor the secretary of finance, as representing the Supreme Government of Peru and Mr. Frederick Ford, representing the firm of Dreyfus Brothers & Co., of Paris, have agreed to the following:

1. The contract of the 14th of April, 1874, is to be declared canceled, and null and void of all effect in the future. Its value in the past is proved by deeds, which will be duly appreciated by the stipulations it contains.

2. Without prejudice to what is stipulated in clause 10, the government takes as basis for this arrangement the balance shown by the accounts presented by Dreyfus Brothers & Co., on the 30th of June, 1879, amounting to 21,083,095 soles, 85 cents, or say, £4,008,000 7*s.* 7*d.* at the exchange of 45*d.* and five-eighths of a penny per sol, agreed upon in the contract of August, 1869; and since it is impossible to pay same at the present moment, according to the tenor of article 26 of the same contract, Dreyfus Brothers & Co. will export the sufficient number of tons of guano of 1,000 kilograms each, to cover said balance, and they will credit same in account at the price paid by the new guano contractor, and in the absence of a contract, at the rate of five pounds sterling per ton. This guano will, from that moment pass to be for account, cost, and risk of Dreyfus Bros. & Co., together with all the rights annexed to its unconditional and effectual alienation, and without other restrictions than that stipulated in clause 9 of this contract.

3. The guano will be delivered in bulk in the ships' launches, by cargoes, with forty per cent. increase on the registered tonnage; but if the Supreme Government should succeed in stipulating with the new contractor for the article to be exported in sacks and weighed, its exportation by Dreyfus Bros. & Co. will be effected in a like manner.

4. Dreyfus Bros. & Co. will select in the guano deposits the guano which it may suit them to export.

5. Vessels will take out their loading-licenses in the deposits themselves, and from there they will be dispatched direct to their port of destination.

6. Dreyfus Bros. & Co. will pay for account of the Supreme Government the expenses of loading the guano they export, deducting same from the amount to be placed to the credit of the government for each cargo.

7. The Supreme Government will be directly responsible to the captains of vessels for the non-shipment of the cargo, and the delays occasioned by the authorities or the agents of the government in the deposits themselves or in any other part. Dreyfus Bros. & Co. are authorized to insert this clause in the charter parties.

8. Clauses 2, 3, 4, 5, 6, and 7 of this contract, will remain canceled, should the Supreme Government pay Dreyfus Brothers & Co. in cash; but in such an event the charters given by them will be respected by the government.

9. In order to destroy all competition in the guano markets, the guano that Dreyfus Bros. & Co. hold in stock, and that which they export in payment of the sum of money owing them by the Government of Peru, will be sold by them only in the markets of France (excluding its colonies) and Belgium, from the date upon which the new guano contract which the Supreme Government proposes to make, or that which it may celebrate on the basis of the actual stock in the hands of the Peruvian Guano Company, comes into force. In order to bring this stipulation into effect, the necessary exchange of guano will be made, when required, between Dreyfus Bros. & Co., and the new contractor.

10. As the settlement of Dreyfus Bros. & Co.'s accounts, and the decision of the questions arisen between them and former administrations in Peru, corresponds to the tribunals of the republic in virtue of the nature of those institutions and the special compact of August, 1869, already referred to (article 33) the decrees and resolutions issued by former administrations, whatever be their character, will only be regarded as the point of departure in the matter of such questions. The said tribunals alone will decide these questions, within the term of six months, solely in view of the contracts which have been in force, the laws of the republic, and according to the principles of justice and equity where said contracts and laws do not apply. Both the Supreme Government and the firm of Dreyfus Brothers & Co. will accept said decisions.

11. Any sum of money which the courts may adjudge Dreyfus Bros. & Co. to pay into the treasury will be deducted from the provisional balance set down in clause 2.

12. Dreyfus Bros. & Co. are at liberty to make over to other persons the rights conceded to them by the present contract.

MANUEL A. BARINAGA.
FRED. FORD,
Representing Dreyfus Bros. & Co., of Paris.

LIMA, *January* 7, 1880.

LIMA, *January* 7, 1880.

The present contract, entered into between the secretary of finance and Mr. Frederick Ford, representing the firm of Dreyfus Brothers & Co., of Paris, after due examination *is hereby ratified* in all its parts; and in consequence let it be duly drawn up as a public instrument.

Rubric of H. E.

BARINAGA.

[Inclosure 4 in No. 104.]

STATE OBLIGATIONS.

Considering:

First. That the public finances require regulating, and the obligations of the State need to be promptly discharged.

Secondly. That there is a large debt in existence, proceeding from the two previous administrations, the source, nature, and amount of which are equally unknown.

Thirdly. That so long as the debt in question be not made perfectly clear and liquidated, it is impossible to pay it or strike a proper fiscal balance.

It is resolved:

First. The public revenue will be solely applied for the payment of services lent and obligations contracted subsequent to the 24th of December last.

Secondly. Claims of prior date to the above, duly examined and proved to be genuine, will be disposed of when these operations are terminated.

Thirdly. In order to expedite these operations, and not to increase the ordinary labors of the respective functionaries, a commission is hereby appointed, composed of the following three employés, viz: Don José Manuel Osores, Don Pedro Carrion, and Don Genaro Balarezo, which commission will immediately proceed to convoke creditors of every description, divide them into their various classes, and liquidate the sum of their various accounts, reporting the result of their labors as soon as possible.

Fourthly. Said commissioners will receive, apart from their respective pensions, a gratification of one hundred and fifty soles per month, chargeable to the special expense account.

Let it be registered, &c.

Rubric of H. E.

BARINAGA.

[Inclosure 5 in No. 104.]

RELEASE OF THE LUXOR.

NICOLAS DE PIÉROLA, *Supreme Head of the Republic.*

Considering:

First. That the German colony, resident in Peru, merits special consideration on account of the probity and industry of its members, who have manifested cordial sympathy for the republic during the present war, and a lively enthusiasm for our cause.

Secondly. That the development of the new navigation companies on our coast is in the interest of Peru, and it is, therefore, useful to encourage them and promote their welfare.

In virtue of the faculties with which I am invested—

I decree:

That the steamer Luxor be handed over to the navigation company between Callao and Hamburg, styled Kosmos; and the said steamer is in consequence free to leave Callao, in whose waters she is at present anchored.

The secretary of state of finance and commerce is intrusted with the execution of this decree and with its publication and circulation.

Given in the government house, in Lima, this 10th day of January, 1880.

NICOLAS DE PIÉROLA.

MANUEL A. BARINAGA.

[Inclosure 6 in No. 104.]

INCOME TAX.

NICOLAS DE PIÉROLA, *Supreme Head of the Republic.*

Considering:

First. That it is obligatory that every inhabitant of a country should contribute in proportion to his resources to the public expenses.

Secondly. That it is necessary to regulate the actual public taxes, making them weigh equally upon all and facilitating their collection.

Thirdly. That the augmented expenses during the war make it likewise necessary and strictly requisite that taxation should be increased.

I decree:

First. The patent, property, industrial, and ecclesiastical taxes, and all others which, under different names, are chargeable on the produce of capital and labor, are amalgamated into one single tax, to be styled tax upon income.

Secondly. This tax will be chargeable at the rate of three per cent. upon all incomes, and must be paid by every inhabitant whose income is not under six hundred soles per annum, or who has not resided in the country less than one year.

Thirdly. Public employés are exempted from the payment of this tax, if they do not possess other means than their salary; but should they be in receipt of other means they must pay the tax on the latter, even although same may not reach the minimum fixed in the preceding article.

Fourthly. All males over 21 years of age whose income does not amount to six hundred soles per annum, will pay, those on the coast, 3 soles per annum, and those in the interior two soles, excepting those over 70 years of age and those who are incapable of work.

Fifthly. This tax will be collected every half year, in advance, by collectors appointed by the prefects, and who will be under the immediate vigilance of the subprefects and governors.

Sixthly. The collectors of the tax will receive four per cent. of the amount they collect, and they must give guarantees for the amount which they are to collect in the half year.

Seventhly. All other direct taxes in the republic are suppressed.

Eighthly. During the present war the amount of the tax, as fixed in the preceding articles, is doubled.

The secretary of state for finance is intrusted with the fulfillment of the present decree and with its publication and circulation.

Given in the government house, in Lima, this 8th day of the month of January, 1880.

NICOLAS DE PIÉROLA.

MANUEL A. BARINAGA.

No. 221.

Mr. Christiancy to Mr. Evarts.

No. 105.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 14, 1880. (Received February 7.)

SIR: I have the honor to inclose to you a copy of a letter from S. C. Montjoy, our consul at Lambayeque, of the 3d instant, with a copy of my reply, No. 36, and a copy of my letter of this date to Mr. Osborn, our minister in Chili, No. 37.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 105.]

Mr. Montjoy to Mr. Christiancy.

UNITED STATES CONSULATE,
Lambayeque, January 3, 1880.

HON. I. P. CHRISTIANCY,
United States Envoy Extraordinary and Minister Plenipotentiary, Lima:

SIR: I have the honor to inform you that Mr. Rutter, consular agent at Payta, reports to me the destruction, at the port of Talara, of the pontoon, with its contents, belonging to the American Oil Company, exclusively American property, and I am informed also by the governor of the Lobos Islands that a large quantity of American property was destroyed by the Chilian fleet, although the owner represented to the Chilian commander the fact, and that he was a neutral, and the property not available for purposes of war. The governor also reports that a launch belonging to an American steam tug-boat was captured and taken away by the Chilian vessels, although made fast to the steamer and flying an American ensign. The flag was thrown into the sea and the launch taken away, all of which I have the honor to communicate, and am, sir, very respectfully, your obedient servant,

S. C. MONTJOY,
United States Consul.

[Inclosure 2 in No. 105.]

Mr. Christiancy to Mr. Montjoy.

No. 36.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 14, 1880.

S. C. MONTJOY, Esq.,
United States Consul, Lambayeque:

SIR: Your letter of the 3d instant received. I had already been informed, by the owners, of the destruction, by the Chilian fleet, of the pontoon of the American Oil Company (known here as Meloy & Co.), and advised that a protest should be made through our consul at Callao (as Meloy & Co. reside here), and also that it would be well to protest through you or the consular agent at Payta.

As to the destruction of American property at the Lobos Islands, and especially the destruction of the American tug-boat, I recommend also that a protest be made by the captain or owner, through you. Not being accredited to, nor in correspondence with, the Chilian Government, I cannot myself assume to enter an official protest. But I advise you to give full information of the whole matter to Mr. Osborn, our minister at Santiago, that he may call the attention of the Chilian Government to the facts. And I will also send him a copy of your letter.

I am, very truly, your friend,

I. P. CHRISTIANCY.

[Inclosure 3 in No. 105.]

Mr. Christiancy to Mr. Osborn.

No. 37.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 14, 1880.

SIR: I have the honor to inclose to you a copy of a letter from S. C. Montjoy, our consul at Lambayeque, in reference to depredations committed by the Chilian fleet upon the property of American citizens at Talara and at Lobos de Afuera, that you may bring the matter to the attention of the Chilian Government.

I have the honor to subscribe myself, as ever, your friend,

I. P. CHRISTIANCY.

Hon. THOS. A. OSBORN,
Envoy Extraordinary and Minister Plenipotentiary of the United States for Chili.

No. 222.

Mr. Calderon to Mr. Evarts.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND WORSHIP,
Lima, January 14, 1880. (Received February 9.)

One of the first acts of the new Government of Peru, which I have the honor to represent in the department of foreign relations, was the abolition of the decree, which, under the old *régime*, interdicted commerce with Chili.

This act furnishes evidence of the lofty spirit, and of the sentiments of justice and propriety which influence its decisions, as well as of its firm purpose to diminish, to the utmost extent possible, the inconveniences and evils which a state of war necessarily involves.

The other belligerent does not appear to be actuated by the same motives, for, not content with the flagrant infractions of international law committed by it in making war against Peru, which have met with universal reprobation, it now claims that a mere notification of blockade shall be considered equivalent to the establishment of a blockade in those ports and inlets in which it doubtless thinks that it can thereby do us greater injury.

Being quite unable to close the entrances to the principal points on our extensive coast by a *bona fide* occupation with sufficient force, it now openly attempts to establish a paper blockade in the Pacific, which no nation has ever been able to maintain as legal, and which no first class European power would now even dare to mention.

The right of neutrals to disregard such a blockade is evident, and to tolerate it or to pay the slightest attention to it would be encouraging a claim which is radically unsustainable, but which would now cause a great public scandal if it were thought to be in anywise supported by those nations whose interests it seriously prejudices.

As we owe to our friends an undisguised expression of the truth in matters of such importance, I do not doubt that your excellency and your government will regard this communication as an evidence of the cordial feelings with which Peru maintains her relations with the United States of North America.

It affords me the greatest pleasure, &c.,

PEDRO JOSÉ CALDERON.

No. 223.

Mr. Calderon to Mr. Evarts.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND WORSHIP,
Lima, January 14, 1880. (Received February 9.)

Your excellency is aware that the boundary question, which had been twice settled, resulted in war between Bolivia and Chili, which latter nation finally declared hostilities against Peru, because she had formally expressed her determination to remain true to the treaty of alliance which she had concluded with the former of the two republics above named, although, at the same time, and in virtue of that treaty, she endeavored to restore friendly relations between the two sisters, and to preserve the equilibrium and peace of the continent.

Chili, proclaiming a revindication in which she constituted herself a party and a judge at the same time, had already seized, by surprise and by violence, the region of Autafagasta, which had been awarded to Bolivia by two successive treaties. She next occupied the entire Bolivian coast, and commenced acts of aggression against Peru, without being restrained by any consideration of humanity or by the defenseless condition of the towns on the coast, the law of nations, or respect for the interests of neutrals.

Peru, being totally unprepared for a war which she had never expected, was forced to sustain an unequal and disastrous naval struggle, in which her heroism will ever be a guarantee of the inevitable issue of her glorious though unfortunate arms.

They were no less so in the contest on land, although a single battle, the only one in which it can with propriety be said that real fighting took place, although against very great odds, was sufficient to give certain assurance of the final settlement, which will not be very long delayed, of the terrible conflict into which this noble republic has been provoked, notwithstanding its generous efforts and its honorable and upright purposes.

Finally the department of Tarapaca, at the southern extremity of the territory of Peru, has been occupied by the military forces of Chili, and Peru will make a reply to that occupation in the only way that is imperiously prescribed by her pride and by her honor.

In the mean time, however, Chili being able to derive nothing from this transitory fact outside of the sphere of the hostilities permitted by the law of nations, doubly violates that law, by violating the sovereignty of the republic, and by appropriating to herself what rightfully belongs to Peru. She violates Peruvian sovereignty by imposing taxes upon the saltpeter produced in that department, the excellent quality of which is well known throughout the world; and she unlawfully appropriates Peruvian property, inasmuch as she takes what belongs to the treasury of Peru, exporting and selling it in foreign markets.

Against such violations of her national majesty and such plundering of her treasury, Peru is armed by the moral force of right, which force she will use as she thinks proper, and by such material force as she may be able to command, in order to wrest her property from the hands of her enemy, or of those who assist that enemy in the work of spoliation. And we are not now speaking of a contingent future, for it is an actual fact that the saltpetre of Tarapaca, like that of the coast

of Bolivia, is exported in neutral vessels, without whose aid Chili would be unable to consummate her unlawful design.

The flag of a friendly nation cannot cover property taken by violence from Peru, over which Peru will exercise her right of ownership without any limit save that of the force of which she may be able to dispose for this purpose.

The good faith of Peru, and her regard for her friends, lead her to make this frank declaration, which I hasten to communicate to your excellency in the name of the new government chosen by the republic, and I take pleasure in offering your excellency the assurance, &c.

PEDRO JOSÉ CALDERON.

No. 224.

Mr. Christiancy to Mr. Evarts.

No. 106.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 21, 1880. (Received February 17.)

SIR: I have the honor to inclose translations of nine several decrees of the dictatorial government of Peru.

* * * * * * *

I also call special attention to the circulars issued by the secretary of foreign relations (Nos. 6 and 7) to the representatives of friendly and neutral nations in reference to the war, and the question of the right of neutral vessels to ship, under the authority of Chili, nitrates from the nitrate beds in those parts of Bolivia and Peru now in possession of the Chilian forces. This is a peculiar question, and one upon which I would like to receive and follow the views of the Department.

* * * * * * *

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 6 in No. 106.—Translation.]

The following two circulars referring to the war have been addressed to the representatives of friendly nations:

CIRCULAR.] LIMA, *January* 14, 1880.

Your excellency is aware that a question of limits, though twice decided, finally brought on war between Bolivia and Chili, which latter country finished by declaring war against Peru, also, on account of her having formally expressed her intention of remaining faithful to the treaty of alliance adjusted with the former of the two countries, although at the same time, and in virtue of that very treaty, she was straining every effort to re-establish fraternal relations between the belligerents and preserve the equilibrium and peace of the continent.

Chili, pretending to enforce an act of revindication in which she was herself both judge and plaintiff, had already, in a treacherous and violent manner, seized hold of the Antofagasta region, which had been adjudged to belong to Bolivia by two successive treaties, and subsequently occupied the entire Bolivian coast and opened hostilities on Peru without allowing herself to be detained in her course by any consideration of humanity for defenseless towns, or out of respect for the rights conceded by the laws of nations, or even out of consideration for the interests of neutral nations.

Peru, reposing in fatal confidence and totally unprepared for a war which she never expected to be engaged in, was forced to sustain an unequal and disastrous naval campaign, in which the heroism she displayed is a sufficient recompense for the final glorious, but disastrous, result.

Peru has likewise been similarly unfortunate on land, although one single day, the only one on which strictly speaking it can be said that a battle was properly fought, in spite of the superiority of the forces and elements opposed to her, was sufficient to enable the final result, which will not be long delayed, of the terrible duel to which this noble republic has been provoked, in spite of her generous desires and frank and honorable intentions, to be prophesied with the most complete certainty.

Finally, the department of Tarapaca, which forms the southern boundary of the Peruvian territory, has been occupied by the Chilian army, and Peru will reply to this act in the only way which her honor and pride dictate.

Chili, however, in the mean time, whose actions with respect to the territory temporarily occupied by her, should be limited to the exercise of the hostilities permitted by the law of nations, doubly violates it, attacking both the sovereignty and property of the republic. She arrogates the former to herself, imposing taxes on the nitrate industry of the department in question, the importance of which is notorious throughout the world, and she assails the latter, appropriating to her own uses the portion of the nitrate riches belonging to the Peruvian fisc, exporting and selling same in foreign markets.

To these attacks on the dignity and property of the nation, Peru opposes the moral force of justice, and will employ it, as may be thought most convenient, aided by the material force at her disposition, to rescue her property from the hands of her enemy or from those whoever may assist her in her work of plunder. And this is not a matter of a possible contingency in the future; for it is an actual fact that the saltpetre of Tarapaca, as well as that of the Bolivian coast, is being exported in neutral vessels, without the aid of which Chili would be powerless to carry out her criminal intent.

The flag of friendly nations cannot protect property of which Peru has been violently defrauded and over which she will exercise her due rights as far as her strength enables her.

The good faith and considerations which Peru shows for her friends induce her to make the foregoing frank declaration, which I have the honor of communicating to your excellency on behalf of the new government which the republic now possesses.

Begging your excellency to accept, &c.,

PEDRO JOSÉ CALDERON.

[Inclosure 7 in No. 106.—Translation.]

CIRCULAR.] LIMA, *January* 14, 1880.

One of the first acts of the new government of Peru, which I have the honor to represent in the department of foreign affairs, was to annul the decree issued by the former government establishing a commercial interdiction with Chili.

This act proves the elevated spirit and the sentiments of justice and propriety which preside over its every resolution, and testify to its firm intention of lessening, as far as possible of reducing to the narrowest limits, the inconveniences and evils attendant upon a state of war.

The enemy however does not appear to be animated with a like spirit, since not content with the flagrant violations of international law it has been guilty of whilst engaged in hostilities with Peru, and which have merited universal reprobation, Chili now pretends that the mere notification of the blockade of such ports, the closing of which she doubtless thinks will cause us the greatest damage, is sufficient for the efficaciousness of the blockade.

Being powerless to close the entrance to the principal ports on our extensive coast by occupying said entrance with a sufficient force for that purpose, she is manifestly striving to introduce into the Pacific a system of paper blockades, which can never possibly be maintained as legitimate, and which none of the principal European powers would even think of at the present day.

The right of neutrals to consider such a blockade as null and void of effect is manifestly plain, and to tolerate it or show the slightest respect for it, would be to encourage a pretension radically unsustainable, and which would become a scandal to the times we live in, were it to be supported in the slightest degree by those whom it most prejudices.

As it is right that the true state of the case should be laid before our friends in a matter of such weighty importance, I feel certain that your excellency and your government will look upon this communication as another proof of the cordial sentiments with which Peru maintains her relations with ——— ———.

I take this opportunity of assuring your excellency, &c.,

PEDRO JOSÉ CALDERON.

No. 225.

Mr. Christiancy to Mr. Evarts.

No. 108.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 21, 1880. (Received February 17.)

SIR: Referring to my dispatch No. 102, I have the honor to state that absolutely no news of the progress of the war has since been received (or at least made public) here since that dispatch, except that the Chilian force landed at Ylo, as there mentioned, a few days after that time returned to the coast and re-embarked. It was only a reconnaissance in force.

We hear nothing definite of the revolution of Bolivia, except that Daza is a fugitive, and the revolutionary government of Bolivia is more enthusiastic in support of the war than that of Daza.

As to the destruction of the guano works at Lobos de Afuera, the Chilians did not establish a blockade there, and neutral vessels are again landing there, as I am informed.

I am, &c.,

I. P. CHRISTIANCY.

No. 226.

Mr. Evarts to Mr. Christiancy.

[Telegram.]

WASHINGTON, *January* 24, 1880.

CHRISTIANCY, *Minister, Lima.*

Time and manner of recognition left to your discretion.

EVARTS.

No. 227.

Mr. Evarts to Mr. Christiancy.

No. 55.] DEPARTMENT OF STATE,
Washington, January 26, 1880.

SIR: Your dispatch No. 99, of the 31st ultimo, has been received. It gives an account of a meeting of the diplomatic body at Lima, for the purpose of considering the expediency of recognizing the government of Piérola, the new governor of Peru.

Your course on the occasion was dignified and judicious, and, with your note to Mr. Calderon, the minister for foreign affairs, of the 30th of December, is fully approved. Although that note correctly states the principles which guide this government in the recognition of revolutionary rulers in other countries, I am not aware of any circumstances attending the recent change of government in Peru, which call for special reserve in recognizing Piérola. Inasmuch, however, as you are on the spot, and therefore are best capable of judging of the probability

of the duration of Piérola's power and of his accountability to foreign governments, the question of his official recognition is left to your discretion. The telegram of the 24th instant, transcribed below, was forwarded to you accordingly.

I am, sir, &c.,

WM. M. EVARTS.

No. 228.

Mr. Christiancy to Mr. Evarts.

No. 111.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 28, 1880. (Received February 25.)

SIR: I have the honor to inclose to you a copy of my letter of the 25th instant to C. A. Nugent, esq., our consular agent at Arica; also a copy and translation of the letter of Admiral Montero, in command of the Peruvian forces at Arica, on the subject of the blockade of the port of Mollendo by Chili, dated the 9th instant.

The whole substance of the reply of the consuls to the note of the admiral appears in my letter, of which copy is inclosed.

I call special attention to the advice I have, in this letter, given to our consular agent on the question of blockade, that I may be corrected if in error at the earliest practicable moment.

I am, &c.,

I. P. CHRISTIANCY

[Inclosure 1 in No. 111.]

Mr. Christiancy to Mr. Nugent.

LEGATION OF THE UNITED STATES,
Lima, Peru, January 26, 1880.

SIR: Your letter (No. 2) of the 14th instant received, inclosing a copy of the letter of Admiral Montero, commander of the Peruvian forces at Arica, dated January 9, on the subject of the blockade, and the reply of the consular corps thereto, informing the admiral that the contents of his letter would be referred to the ministers of their respective countries.

At this distance, with the uncertainty and irregularity of the mails, I can give you no specific advice applicable to the precise state of facts which may exist at any moment, as that state of facts may be changing from day to day. In fact I am informed here, through the British minister, that since the letter of Admiral Montero, another vessel has been added to the Chilian blockade squadron in front of Arica, and another to that blockading Mollendo. I can only lay down for your guidance some general principles recognized and insisted upon by the Government of the United States, as applicable to blockades, and leave you to apply them to cases of American vessels entering or seeking to enter the port claimed by Chilian authorities to be blockaded. No nation has taken stronger ground or more persistently maintained it against mere paper blockades. The American doctrine is that, to entitle a blockade to the recognition of neutrals, or in any manner to affect the rights of neutral vessels to enter or depart from the port claimed to be blockaded, the blockade must be maintained by the presence of such a force as to render the entrance or departure of the neutral vessel manifestly dangerous. The principal adopted by the treaty of Paris (of April 16, 1856), to which both Chili and Peru have become parties (upon this point), does not differ very materially from the American doctrine, though it may seem to go even further, as it requires "that blockades, to be binding, must be effectual; that is to say, maintained by a force sufficient in reality to prevent access to the coast of the enemy." But whether this really goes further than the American rule we need not discuss as

you and I are to be governed in our official action by the latter, and under this, the mere fact that a neutral vessel might slip in or out unobserved, at night, or during a fog, could not of itself be held to invalidate the blockade. And if the blockading squadron be driven off the port by a storm, this will not invalidate it, if they return to their post as soon as the weather will permit. But if they are driven from the port by the enemy or voluntarily leave it, for even a few days (possibly for a single day), this terminates the blockade, and it cannot be re-established without giving, *de novo*, a fair notice to neutrals.

A practical question of some importance may arise upon the course which I understand has been quite usual with the Chilian blockading squadron, of withdrawing so far from the port at night, and sometimes by day, that first, vessels might innocently enter without the knowledge that a blockade had existed there, and second, vessels which had been informed that the blockade had existed some time before, might, on approaching the port to see whether it still existed, and seeing no blockading vessels and receiving no warning from them, might enter in good faith, believing that the blockade had been abandoned.

In neither of these cases could such vessel be properly seized as a prize for a breach of the blockade; but should receive reasonable notice to depart, or not to land or receive cargo. And if this habit of leaving the port thus unguarded should continue for any great length of time, I doubt whether all neutral nations would not be justified in treating it as inefficient for any purpose, and absolutely null. Such intermittent blockade must, in time, it seems to me, become intolerable to neutrals.

Should the blockading squadron attempt to seize or interfere with any American vessel, in violation of any of the principles above laid down, my advice is that you make a proper protest, and allow officers and owners of such vessels, through you, to protest against such action.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure 2 in No. 111.—Translation.]

The Peruvian admiral to the consular body at Arica.

ARICA, *January* 9, 1880.

SIR: I think it opportune to place under the knowledge of the honorable consular corps residing in this department that some merchant vessels of neutrals have entered and departed freely the port of Mollendo, notwithstanding the men-of-war of the Republic of Chili, which announced the blockade, were cruising off the port mentioned. Such has been the case with the steamer Bolivia of the English company on the 17th of the same month; nevertheless, two Chilian vessels, perhaps, were at sight, which is publicly known. And as these cases are frequently and inevitably repeated, and especially on the south coast of the republic, where the naval forces of Chili are simulating that hostility which the law of nations recognizes as blockade and for the efficiency of which invariable rules have been established, I think it my duty to call the attention of the foreign consular body here to the subject, they having under their care the custody of the interests of the citizens of their respective nations, in order to guard the rights which they so worthily represent, and in obedience to the principles universally acknowleged. Be pleased to consider seriously the tenor of this note, and appreciate properly the question of the legality of the proceedings to the Chilian squadron; as it is seen that they cannot substantially sustain the effectual blockade in conformity to the sound and incontrovertible doctrine of international law. Such blockade, although claimed to have existed, is *de facto* relinquished for want of effectual and immediate force to maintain it, and in virtue of the facts to which I have referred.

With distinction and consideration of esteem, it is grateful to me to subscribe myself, &c.,

L. MONTERO.

To the DEAN of the honorable consular corps residing in Tacna.

No. 229.

Mr. Christiancy to Mr. Evarts.

No. 112.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 28, 1880. (Received February 25.)

SIR: I have the honor to inclose to you a copy of my letter of the 24th instant to Mr. Merriam, our consul at Iquique.

I call attention to this letter, especially as regards granting clearances to American vessels shipping nitrates from Iquique on account and under authority of Chili. The circular of the secretary of foreign relations of Peru on this subject will be found in my dispatch No. 106, inclosures 6, 106, and 7, 106.

It does not seem to me that the right of our consul at Iquique, holding his exequatur from Peru, necessarily depends upon the merits of the question of belligerent right to ship nitrates as between Peru and Chili, nor that the question is necessarily the same as would arise upon a clearance granted by an American consul in a Chilian port to a vessel loaded with such nitrates. But if I am in error in the advice I have given, I wish to be promptly corrected.

The question is to me a somewhat novel one, and I have to depend upon the general principles which seem to me applicable to the circumstances. Fortunately, however, there is very little American shipping on this coast.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 112.]

Mr. Christiancy to Mr. Merriam.

LEGATION OF THE UNITED STATES,
Lima, Peru, January 24, 1880.

SIR: Your letter No. 49, of the 17th instant, is received. I think your course in exercising your official functions with the full consent and approbation of the Chilian authorities now in possession of Iquique and the surrounding country is strictly right so long as your official acts shall in no measure be made to operate to the injury of or in hostility to the rights of Peru, or to such as she claims and which are still in contest between her and Chili. But any official act which might aid either of the parties to the contest might be complained of by the other as a departure from the duties of strict neutrality.

You are appointed only as a consul to Peru, and hold your exequatur from its government only, and, therefore, as it seems to me, you cannot, even with the assent of the Chilian authorities, do any official act to which the assent of the Peruvian Government might not fairly be presumed. That assent may be presumed to the extent of allowing you to protect American citizens and to exercise your ordinary functions in reference to American seamen, and upon conflicts arising between the officers and seamen of American merchant vessels, and no objection would now be made to granting clearances to American vessels engaged in any other trade than that of shipping salitres (excepting also contraband, of course).

But the question of granting clearances to American vessels which may load with salitres at Iquique stands upon peculiar grounds. These saliters come from Peruvian soil, which, though now in possession of Chili, is yet in dispute and subject to the arbitrament of arms. Peru, in the circulars of her secretary of foreign relations, has taken the ground that the rights of war, as the contest now stands, do not give Chili the right to deprive the territory of this property and to transport and sell it on Chilian account, and Peru claims that no title can thus be acquired.

Under these circumstances, for you to grant clearances to vessels shipping this nitrate in hostility to Peru and for the direct benefit of Chili, may, I am inclined to think, be properly looked upon by Peru as an unfriendly act tending to aid her enemy in the prosecution of the war. I know that such is the view taken by the government here, and as the shipping of this nitrate at Iquique must now be under the exclusive authority of Chili, and you are not accredited to that country, I think the Peruvian Government would withdraw your exequatur should you grant clearances in such cases. It is true that your refusal to grant such clearances may not stop the injury to Peru, because the Chilian authorities may authorize their own captain of the port or other officer to give clearances, which would avail for what they were worth as the acts of a government or authority *de facto*.

I shall lay the matter before our government and be guided by its instructions, but in the mean time, until different instructions are received from our government, I think the safest course for you is to act upon the advice above given.

I am, &c.,

I. P. CHRISTIANCY.

No. 230.

Mr. Evarts to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, January 31, 1880.

SIR: On the 28th instant I had the honor to hold a personal interview with you, when you placed in my hands an office copy and translation of a letter from the new President of the Republic of Peru, Don Nicholás de Piérola, to the President of the United States, notifying his accession to the supreme magistracy of Peru. You then observed that you desired to present the original of that letter, but before forwarding it you expressed a wish to know whether it would be received, adding that you had been instructed by the government of President Piérola to continue in the capacity of chargé d'affaires, but without new letters of credence. I then had the honor of replying that I would lay the matter before the President, and at a subsequent interview inform you of his conclusions upon the subject.

Upon consideration the President has decided to recognize the government established in Peru by His Excellency Don Nicolás de Piérola and to receive the ceremonial letter of the latter, it being understood by this government that the people of Peru were driven to the acceptance of a new government on a provisional basis, by the external pressure of their affairs, and that the accession of General Piérola to power was not accomplished by civil strife or factious insurrection.

I had the honor to communicate this decision to you, orally, in an interview held yesterday, having previously received from your hands the original letter of President Piérola for transmission to the President of the United States. It now affords me pleasure to communicate this decision to you in a more formal manner, and to express my personal gratification at the continuance of the friendly relations which have marked your intercourse with this department since you assumed the responsible charge confided to you.

Observing that the President will doubtless reply at an early day to the letter of President Piérola, and that his answer will be transmitted through the usual channel of the United States diplomatic representative at Lima, I tender you, sir, the renewed assurance of my highest consideration.

WM. M. EVARTS.

No. 231.

Mr. Evarts to Mr. Christiancy.

No. 57.] DEPARTMENT OF STATE,
Washington, February 4, 1880.

SIR: I inclose herein a copy of my note to the chargé d'affaires of Peru in the United States, of the 31st ultimo,* communicating to him the information that the President had decided to recognize the government in Peru of His Excellency Don Nicolás de Piérola, &c. It is presumed that you have already availed yourself of the discretion as

* For inclosure see document No. 230, *ante*.

to the recognition of that government given you by No. 55; if not, you will at once enter upon full relations with the established power.

Observing that no new credentials will be necessary, I am, &c.,

WM. M. EVARTS.

No. 232.

Mr. Christiancy to Mr. Evarts.

No. 115.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 10, 1880. (Received March 9.)

SIR: I have the honor to acknowledge the receipt, on the 5th instant, of your telegram of January 24 (by mail from Valparaiso), in reference to the recognition of the present Government of Peru.

And I have the honor to state that in view of the facts that this government had met with the universal concurrence and acquiescence of the people of Peru, and that there was no pretense or claim in Peru to any other government than that of Piérola as dictator, I could find no principle of international law which would authorize me longer to withhold a full recognition. I sent to the secretary of state for foreign affairs my letter of the 5th February, No. 25, of which I inclose a copy.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 115.]

Mr. Christiancy to Señor Calderon.

No. 25.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 5, 1880.

MONSIEUR LE MINISTRE: I have the honor to inform your excellency that I have this day received a telegram from the Secretary of State of the United States of America, dated the 24th ultimo, in answer to a dispatch of mine detailing the change of government which resulted in making His Excellency Don Nicolás de Piérola Supreme Head of the Government. By that telegram the time and manner of recognition are left to my discretion, and being entirely satisfied that this change has met the cordial concurrence of the people of Peru, and that within the principles defined in my note to your excellency of the 30th December last, No. 22, this government is now entitled to recognition by friendly nations, I take this early opportunity to communicate to you and through you to the government its formal recognition by the United States of America.

Please accept, &c.,

I. P. CHRISTIANCY.

Eximo Señor Don PEDRO JOSÉ CALDERON,
Secretario de Relaciones Exteriores del Peru.

No. 233.

Mr. Christiancy to Mr. Evarts.

No. 117.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 11, 1880. (Received March 9.)

SIR: I have the honor to inclose to you a copy of my letter of February 7 (No. 42) to J. W. Merriam, explaining to him the meaning of my letters 34 and 39.

I should have sent this before the 1st February, but he had written me that he expected to be here by the 1st instant. He called on the 7th, and I made the explanation verbally, but to avoid any mistake I concluded to write this, that he might have it in writing, and put it on file.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 117.]

Mr. Christiancy to Mr. Merriam.

No. 42.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 7, 1880.

J. W. MERRIAM, Esq.,
United States Consul at Iquique:

SIR: You will remember that I, this afternoon, called your attention to the fact that on looking over my letters to you, Nos. 34 and 39, I discovered that I had in those letters used the term "clearance" in an enlarged and untechnical sense, as including all the official acts of the consul necessary to the departure of an American vessel from the port at which you were stationed, such as putting your name upon the clearance given by the authorities of the port, and your certificate to the invoices, when I ought more properly to have avoided the term "clearance" which has a technical meaning and strictly speaking is not granted by the consul.

The whole context and my whole cause of reasoning shows that this was my meaning, and I am glad to learn that you have been led into no error by my careless use of the word "clearance." As I told you I had intended to write you at the next mail making this explanation.

I write this that you may put it on file as a written explanation of my two letters referred to.

I am, very truly, your friend,

I. P. CHRISTIANCY.

No. 234.

Mr. Evarts to Mr. Christiancy.

No. 58.] DEPARTMENT OF STATE,
Washington, February 18, 1880.

SIR: I have to acknowledge the receipt of your No. 105, with the copies of correspondence inclosed therein, relative to the destruction of property of the American Oil Company at Talara, and of other American property at the Lobos Islands, by the fleet of Chili.

Your action in the premises in transmitting the information to the minister of the United States at Santiago, and the advice given in your letter to Consul Montjoy, at Lambayeque, are approved. The Department will at once communicate with Mr. Osborn, on the subject of your dispatch.

I am, &c.,

WM. M. EVARTS.

No. 235.

Mr. Evarts to Mr. Christiancy.

No. 63.] DEPARTMENT OF STATE,
Washington, March 1, 1880.

SIR: Your dispatch, No. 106, of the 21st January last, has been received. It is accompanied by translations of certain recent decrees of

the Peruvian Government and copies of circulars addressed by the minister of foreign affairs of Peru to the representatives of friendly nations. All these inclosures, with the exception of those which you number 6 and 7, relate to internal affairs of that country, and do not appear to call for any special instructions. One of the papers referred to, however, assumes that Chili has seized those nitrates on the Peruvian coast which Peru claims as her own, and is exporting their products in neutral vessels, and that, therefore, Peruvian cruisers will not respect a neutral flag detected in that business.

Although in the present subdued condition of the Peruvian navy there may not be much risk of capture of neutral vessels by the Peruvian men of war, it is proper that you should remind that government of the eighteenth article of its treaty of 1870 with the United States, which expressly stipulates that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to citizens of either of the contracting parties, although the whole lading or a part thereof should belong to the enemies of either, articles contraband of war always excepted. It seems clear, therefore, that if a Peruvian cruiser should capture an American vessel whose cargo, in whole or in part, should consist of the nitrate referred to, the treaty would be violated in a case for which it was specially intended to provide. For such an act that government would certainly be held accountable. It is hoped, therefore, that that government, as a proof of its friendly disposition toward that of the United States, and of its desire to observe in good faith its formal treaty stipulations, will either so modify the circular referred to or will give such orders as may prevent an act of which we should have such just cause to complain.

I have received copies of the two circulars through the chargé d'affaires of Peru in Washington, and have prepared replies thereto, which I inclose. You will please retain copies of the same on your files, and deliver the originals.

I am, sir, &c.,

WM. M. EVARTS.

No. 236.

Mr. Evarts to Señor Calderon.

DEPARTMENT OF STATE,
Washington, March 1, 1880.

SIR: I have received, through Mr. José Carlos Tracy, the chargé d'affaires accredited to this government, your excellency's note of January 14 last, complaining that nitrate from that part of Peru which is occupied by the military forces of Chili is shipped thence in neutral vessels, and claiming the right to detain or capture such vessels on the high seas.

In reply, I have the honor to acquaint your excellency that I have received a copy of the same paper from Mr. Christiancy, the minister of the United States at Lima, and I have instructed him upon the subject. He will, doubtless, in due time, make known to your excellency the views therein expressed, which, therefore, I will not now repeat.

I avail, &c.,

WM. M. EVARTS.

No. 237.

Mr. Evarts to Señor Calderon.

DEPARTMENT OF STATE,
Washington, March 1, 1880.

SIR: I have received, through Mr. Tracy, the note of your excellency of the 14th of January last, which represents that the prohibition against intercourse with Chili, which had been decreed by the late administration of Peru, had been repealed. Your excellency also represents that the blockade declared by Chili of certain ports and inlets of the territories of her adversaries, is inefficient.

In reply, I have the honor to state that hitherto this Department has not received from any other quarter similar information or any complaint upon that subject. If, however, the fact should be as your excellency represents, it will probably enable those interested in a resumption of the intercourse between Peru and Chili to avail themselves of the opening made for them by the repeal of the prohibitory decree to which your excellency adverts.

The views of this government on the subject of blockade are, it is presumed, well known to the Government of Chili. If, therefore, the cruisers of that government shall capture or detain a vessel of the United States for having, in the absence of a force competent to prevent it, entered a port or inlet of her enemies, which had been declared in a state of blockade, reparation for that act will be required.

I avail, &c.,

WM. M. EVARTS.

No. 238.

Mr. Evarts to Mr. Christiancy.

No. 64.] DEPARTMENT OF STATE,
Washington, March 1, 1880.

SIR: I have received your No. 111, in which you transmit a copy of your letter of January 26 last, to Mr. Nugent, consular agent of the United States at Arica, in reference to the blockade of Mollendo, and a copy and translation of a letter of Admiral Montero to the dean of the consular corps, residing in his department, and in reply desire to approve the tenor of your communication to Mr. Nugent. You will, of course, pay no attention to any manifesto in regard to the subject of your dispatch, unless addressed directly to yourself as the diplomatic representative of the United States.

I am, sir, &c.,

WM. M. EVARTS.

No. 239.

Mr. Evarts to Mr. Christiancy.

No. 65.] DEPARTMENT OF STATE,
Washington, March 2, 1880.

SIR: Your dispatch No. 112, of the 28th January last, has been received. It relates to the authority of the consul of the United States at Iquique to grant clearances to American vessels. Your letter to him upon the subject is in general approved. No consul, pursuant to our law or regulations, has the right to grant a clearance to any American vessel, even if his post is at a port conquered and possessed by the enemy of the country from whose government he may have received his *exequatur*. It is the exclusive province of the belligerent authority for the time being—civil, military, or naval—to grant such clearances, and the consul, as is required in time of peace, should not deliver the vessel's papers until the clearance shall have been presented to him by the master. The consul's course is not to be governed or influenced by the components of the cargo of the vessel. If these, according to the existing authority, may lawfully be exported, the consul cannot properly gainsay that opinion. It is natural that Peru should be incensed at the exportation of nitrate for the benefit and account of her adversary. It is to be regretted, however, that she should allow her resentment to lead her to claim a belligerent right not acknowledged by any authority, that of capturing on the high seas vessels of a neutral for having on board a cargo from a place which she owned before the war. In this case, however, her title to it was annulled, or at least suspended, by the armed occupation by Chili of the region whence the article was taken. The attempt of Peru, therefore, to avenge upon neutrals her want of good fortune in the contest will not, it is to be feared, add to her reputation for magnanimity or regard to public law, and certainly will not be acquiesced in by the governments of neutrals, whose interests may thereby be affected.

I am, &c.,

WM. M. EVARTS.

No. 240.

Mr. Christiancy to Mr. Evarts.

No. 123.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 3, 1880. (Received March 27.)

SIR: In the absence of any important news, and for the purpose of enabling you to judge something of the nature of the dictatorial government here, I inclose you the following translations of decrees:

1st. Of a decree of the 23d February, annulling the contract purporting to have been made by Rosas and Goyeneche (commissioners sent to Europe by the Prado government), and sequestering the property of said commissioners.

2d. A decree in reference to the letting or leasing of church property, and that of charitable institutions.

3d. A decree requiring the publishers of newspapers, when such papers have published articles attacking or reflecting upon individuals,

to allow to such individuals double the space in the same paper for a reply, without charge, &c.

4th. In relation to the prosecution and imprisonment of Don José Maria Quimper, minister of finance, under the late government, for improperly issuing and certifying a decree not signed by the late President.

I call especial attention to the above decree (3–123), which seems to be founded upon a strong appreciation of fairness and justice, and calculated to put some restraint upon the license of the press in attacking individuals or private character. It is quite possible that a similar principle might be generally adopted with advantage in other countries besides Peru.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 123.]

Official decrees.

THE GOYENECHE-ROSAS CONTRACT.

We supply below a translation of the decree or resolution of the government annulling the guano and nitrate contract concluded in Paris on the 7th ultimo, by Messrs. Rosas and Goyeneche, with the Credit Industriel Company:

LIMA, *February* 23, 1880.

In view of the official communications dated the 16th of January last, addressed by the ex-fiscal commissioners, Don Juan Marciano de Goyeneche y Gamio and Don Francisco Rosas, to the secretary of state for finance.

In view of the two contracts therein referred to, bearing date the 7th of the same month, with the documents accompanying them.

In view of the document containing the decision of commissioners, Goyeneche and Rosas, annulling the guano consignment contract celebrated in 1876, with the cessionaries of the Peruvian Guano Company (Limited).

And considering—

Firstly. That the mere fact of the political change which took place in Peru on the 23d of December last, once known in Europe, as it was since the 29th of the same month, was equivalent to the suspension of the plenary powers with which said commissioners were invested.

Secondly. That for greater precaution the government transmitted express orders to them not to celebrate any contract not *ad referendum*.

Thirdly. That, although the commissioners allege that they were unable to decipher the telegraphic dispatch which contained that order, the latter was not only known by many in Paris and by the commissioners themselves, but, even were this not so, the fact of their having been unable to decipher the telegram should, of itself, have been sufficient to induce them to refrain from entering into any contract, at least one of definite character.

Fourthly. That the contract celebrated by them is in direct opposition to the law of authorization of the 13th of October, 1879, inserted in the respective plenary powers, and that, besides, said contract pledges the nitrate of Tarapaca in virtue of a mere government authorization which the executive power of that period had no authority to issue nor bind the state by.

Fifthly. That on entirely their own responsibility they have declared the existing contract with the Peruvian Guano Company, Limited, rescinded, which only the Peruvian tribunals are authorzied to do, certainly not the executive power, and still less its commissioners.

Sixthly. That it is highly necessary to strip the contracts in question of the appearance of validity with which their authors have striven to invest them, going so far even as to make an international notification of an unusual and unauthorized nature, the right being reserved to examine them carefully in order to estimate their convenience or inconvenience with regard to the state.

Seventhly. That the parties who have made this contract with Goyeneche and Rosas cannot profess an ignorance which might redeem the contract for the r own part, inasmuch as the stipulations of said contract are in opposition to the express tenor of the plenary powers of the Peruvian commissioners, without exhibiting which the contract could not have been drawn up.

Eighthly. That the latter have consequently been guilty of abusing the high confidence placed in them and of disobeying the orders of the government in a matter of the greatest and most transcendental importance, the enormity of which is aggravated in consideration of the present state of affairs in the Repub ic.

Ninthly. That it is necessary to take precautions that the fiscal interests may not be prejudiced or in any way affected by such abuse and d sobedience.

It is resolved—

First. That the commissioners in question be submitted for trial before the respective courts.

Secondly. That from this date and without further notification, the property rights and actions of said commissioners be declared subject to fiscal responsibility and embargoed.

Thirdly. That the Banco Garantizador de Valores be appointed depositary for said property in Lima, and the Banco de Arequipa, in the city of the same name, which depositaries will pay the same interest on the sums they receive as they do on sight deposits.

Fourthly. That those who make the contracts with the parties whose property has been thus laid under embargo, or who deliver moneys to them in place of contracting or handing such moneys to the depositaries, will be directly responsible for the value of such contracts or delivery of such moneys, and will also suffer the penalty which they incur for infringing this decree.

Fifthly. That the two contracts in question be declared null and void of all effect and be looked upon as mere proposals.

Sixthly. That said contracts, with all the documents referred to in them, be published and submitted to the council of state in order that the latter may give its consultative opinion on the same, so that the necessary resolution be issued.

Let it be published, &c.

Rubric of his excellency.

BARINAGO.

[Inclosure 2 in No. 193.]

CHURCH PROPERTY.

NICOLÁS DE PIÉROLA, Supreme Head of the Republic:

Considering—

First. That it is necessary to put a stop to the undue speculation of which the property belonging to the church and to the public-benefit institutions has been the object, by means of contracts prejudicial to their revenues, and which divert them from the purposes to which they are destined, to the undue advantage of the administrators and contractors.

Secondly. That the government proposes to adopt measures later on with regard to the property in question, which, while they will help the treasury, may better serve its object.

I decree:

It is absolutely prohibited to make any emphyteutic contract in connection with ecclesiastical property or that of any institution whatsoever of worship or public benefit, and all other deeds of lease of such property will remain null unless approved by the government.

The secretary of state for foreign affairs and worship is charged with the punctual observance of this decree, and with its publication and circulation.

Given in the palace in Lima, this 19th day of February, 1880.

N. DE PIÉROLA.

PEDRO JOSÉ CALDERON.

Responsible for translation.

J. LAWTON.

[Inclosure 3 in No. 123.—Translation.]

THE GOVERNMENT AND THE PRESS.

The following decree has been issued:

NICOLÁS DE PIÉROLA, Supreme Head of the Republic:

Considering—

First. That the practice of occupying the press with purely personal matters neither serves any purpose nor is an efficacious guarantee for the rights attacked outside of the papers, but is rather calculated to damage the reputation and good name of the person so occupying it.

Secondly. That consequently every person attacked through the medium of the press should be supplied with the means of defending himself in proportion to the severity of the attack made upon him.

Thirdly. That this is the more just, considering that not every person who is attacked through the medium of the press is able to pay for defending himself, and even were this not so, it is not right to abuse the liberty of the press and provoke a person to spend money in defending himself.

Fourthly. That the owner of the printing establishment, by reason of which such attack is made, also lends his co-operation to the practicing of the kind of abuses which this decree is intended to remedy.

I decree:

ARTICLE 1. Every victim of defamation, invective, or ridicule, and in general every citizen whose reputation is in any way damaged through the medium of the press has the right, in order to vindicate himself. to occupy gratis in the paper in which he is attacked double the space which the article occupied that attacked his reputation.

ARTICLE 2. Should the attack not have been made through the medium of a paper, but in a book, pamphlet, or fly-sheet, &c., the obligation of publishing gratis the vindication will fall upon the owner of the printing establishment where the attack was printed; whenever the party attacked may wish to make use of his right, double the amount of matter in the book, pamphlet, or fly-sheet being printed, or the owner of such printing establishment shall pay the cost of the offended person's defense in any paper and place which the latter may select should he prefer to use such means of defense.

ART. 3. If the attack be made in a paper, the editor of such paper will be under the obligation of inserting the vindication in preference to any other matter, with the exception of the official publications under penalty of paying, if he delay in doing so, a fine of from ten to fifty pounds sterling to the offended party, which will be collected by the political authorities, and he shall also publish the article in which the latter defends himself. The same applies to the case pointed out in article 2.

What is ordered in this decree does not impede the offended party taking criminal action before the respective court for the punishment of the delinquent, if he be proved guilty in accordance with the law.

The secretary of state for justice and instruction is intrusted with the publication and circulation of this decree.

Given in the palace of government in Lima, this 21st day of February, 1880.

N. DE PIÉROLA.

FREDERICO PANIZO.

[Inclosure 4 in No. 123.—Translation.]

IMPRISONMENT OF DOCTOR QUIMPER, LATE MINISTER OF FINANCE.

LIMA, *February* 23, 1880.

In view of the documents annexed to the official communication addressed to the secretary of finance by ex-Fiscal Commissioners Don Juan M. de Goyeneche and Don Francisco Rosas, dated the 16th ultimo, amongst which is an official note forwarded to them on the 26th of November last by the ex-minister of finance and commerce, Don José Maria Quimper.

In view of the original of said note, the autograph copy of which exists in the copy-book of that ministry.

In view, finally, of the supposed supreme decree of the same date, authorizing said fiscal commissioners to pledge the nitrate of Tarapaca in the arrangements which they might enter into with the holders of Peruvian bonds and in the contracts which they might celebrate, the original of which document exists in the same office.

And inasmuch as it appears—

First. That the said decree bears no other signature than that of ex-Minister Quimper and consequently the then head of the state had no part in that most important resolution.

Secondly. That notwithstanding this in the official communication forwarded by the ex-minister he falsely affirms that it bore the rubric of his excellency, which constitutes the crime of forgery, for which the penal code provides.

Thirdly. That even had the decree in question been issued and signed by the head of the state the responsibility of the latter would not cover the minister's responsibility who thus disposed of national property without any authorization whatsoever, an offense aggravated by the serious state of affairs prevailing in the republic.

Fourthly. That in view of such deeds it is indispensable not only to hold the author of them criminally responsible but to take the necessary precautions in order that the fiscal interests at stake may not be prejudiced.

It is resolved:

First. That Don José Maria Quimper, ex-minister of finance and commerce, be submitted for trial and apprehended in order that he may be placed at the disposal of the proper court.

Secondly. That the property rights and actions belonging to the said Don José Maria Quimper be declared subject to fiscal responsibility and be embargoed.

Thirdly. That the Banco Garantizador de Valores be appointed depository for said property and its products, which bank will pay the same interest on the sums of money it receives as it does on sight deposits.

Fourthly. That those who make contracts with the person whose property is embargoed, or deliver moneys to him, in place of contracting or delivering such moneys to the depository, will be held directly responsible for the value of any such contracts or delivery of moneys, and will also suffer the penalty which they incur for violating this decree.

Let it be published, &c.

Rubric of his excellency.

BARINAGA.

No. 241.

Mr. Tracy to Mr. Evarts.

LEGATION OF PERU IN THE UNITED STATES,
New York, March 9, 1880. (Received March 11.)

SIR: Not long since the newspapers of this city published a cable report purporting to have been received, via England, from Buenos Ayres, announcing the rupture of the alliance between the Republics of Bolivia and Peru. Emanating, as it evidently did, from unfriendly sources, I did not deem the report entitled to any credit, but I did not feel authorized to deny it simply because I could not believe it.

In the inclosed copy of the bulletin, of 11th February last, of El Peruano, the official organ of the Government of Peru, your excellency will note that General Narciso Campero, having been proclaimed Provisional President of Bolivia, by the most important departments of the republic, entered Oruro on the 19th of January last, and assumed control of the affairs of the nation; that his authority had been recognized by the commission (junta) in charge of the government at La Paz; and that all fears of any civil strife in that country had disappeared, your excellency will likewise observe that at the public meetings held in various places on account of the recent political changes, not only was the alliance between Bolivia and Peru ratified, but many of them declared in favor of a Peru-Bolivian confederation.

I venture to call your excellency's attention to this, in order that if the before mentioned newspaper report should have been seen by you, you may understand there was no other foundation for it than the hope of our enemies that they had finally succeeded in the efforts they have un-

doubtedly been making for many months to induce Bolivia to prove false to Peru, but which efforts have happily not been successful.

The undersigned avails himself of this occasion to renew to his excellency the Secretary of State, the assurance of his high esteem and most distinguished consideration.

JOSÉ CARLOS TRACY.

[Extract from bulletin of El Peruano of February 11, 1880.—Translation]

BOLIVIA.

General D. Narciso Campero, having been proclaimed Provisional President of Bolivia by the most important departments of the said republic, entered Oruro on the 19th of January, with a portion of the division under his command, and issued a decree assuming the chief command of the nation.

The governmental junta of La Paz has recognized the authority of General Campero, and all fear of civil discord in our sister and allied republic of Bolivia has disappeared.

Colonel Elodora Camacho will continue as commanding general of the Bolivian army stationed at Tacna.

It is said that General Daza has desisted from all claim to the chief magistracy, and that he has determined to remain at Arequipa with his family.

The instruments signed by the towns, in connection with the political events to which we have referred, not only ratify the alliance which unites Bolivia with Peru but a Peruvian-Bolivian confederacy is therein advocated.

The hopes, therefore, that were entertained by the Chilian press that a rupture would soon occur in the alliance of the two nations which are now marching unitedly against that republic in defense of their dearest and most fundamental rights, have been frustrated.

No. 242.

Mr. Evarts to Mr. Christiancy.

No. 69.] WASHINGTON, *March* 10.

SIR: I have to acknowledge the receipt of your No. 115, and to approve the action taken by you as detailed therein, relative to the recognition of the new Government of Peru.

Referring to instruction No. 57, communicating copy of correspondence with Mr. Tracy on this subject,

I am, &c.,

WM. M. EVARTS.

No. 243.

Mr. Christiancy to Mr. Evarts.

No. 133.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 17, 1880. (Received April 10.)

SIR: I have the honor to inclose to you a slip from the South Pacific Times of yesterday, stating all the reliable information we yet have of the operations of two Chilian vessels in the north, though we have rumors of somewhat similar operations at other ports, and the probability of their attacking Payta in a similar manner.

I will further say that last week an armed steam transport, the Talisman, was sent by the Peruvian Government from Callao south, with some two hundred military officers to re-enforce the army of the south at Arica, with several thousand stands of arms, with ammunition, provisions, and clothing. They landed the men and cargo at Quilca, some forty miles by the road from Yslay, whence they will have to move by land to Arica, unless they find the interior, like the coast from Yslay south, in possession of the Chilians, in which case they will probably join the Peruvian forces or some of the Bolivians further in the interior and in rear of the Chilians, say, at Arequipa or Moquegua.

The Talisman returned safely to Callao this morning.

I have, &c.,

I. P. CHRISTIANCY.

No. 244.

Mr. Calderon to Mr. Tracy.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS AND WORSHIP,
Lima, March 17, 1880.

Señor Don JOSÉ CARLOS TRACY,
Chargé d'Affaires of Peru in the United States of North America:

Chili advances more and more in the road of illegal hostilities and her own dishonor.

In my circular of January 14, to friendly powers, I have already denounced and condemned the excesses against the sovereignty and property of Peru, committed until then with manifest abuse of the military occupation of Tarapaca, and all with the sole idea of carrying into effect her purpose of despoiling Peru of the rich products of that portion of the republic.

Now, as you will see in the inclosed bulletin, by the two proclamations published in Iquique on the 23d and 25th of February last, Chili has resolved to grasp from the hands of the nitrate manufacturers all that which, according to their respective contracts, should be exported and sold as belonging to the Peruvian exchequer, in order to export and sell it on account of the Chilian exchequer, as if it were her own property; and on the pretext of an imaginary permission solicited by foreign holders of Peruvian bonds, has authorized the shipment of guano from our deposits which she declares occupied by her troops, notwithstanding these are insufficient for a real and permanent occupation of said deposits, or even a part of them, and which are not even designated in the decree.

Although this assumes the perfect right of said bondholders to pay themselves their dues by these means, the license granted them is worth from twenty to thirty shillings per ton, a manifest defraudation and the sole purpose of the concession, and everything leads to the belief that the presentation of this petition was procured by secret dealings and actual collusion to obtain the wealth of Peru and divide it among those who imagine that by this fraudulent arrangement they have found an easy though disgraceful way of obtaining an object which they will find it difficult to reconcile to their own consciences.

Against these acts, incited by a devouring thirst for the property of others, and by her great need of resources wherewith to continue this unjust war, the savage nature of which is daily becoming more and more marked, the Peruvian Government has been forced to make the declarations contained in the decrees of the 15th instant, which are to be found in the aforesaid bulletin.

You will also find therein the loyal and frank declaration of the Secretary of finance, dated the 27th of January, in which he fully testifies all that has been done by the new government with regard to its finances abroad, consulting the well-known interests of its creditors, even in spite of the inevitable demands of the war.

The dignity of Peru, her self-respect, the care of her interests, and the intelligent good faith with which she must carry out her sacred engagements of her credit, have prescribed the line of conduct revealed by the documents to which I have referred.

Provoked into a war which we never could have looked upon, on our part, save as a great continental necessity, and as a duel of honor, we now find ourselves before an enemy who does not wage the battle on this ground, and who, insensible to the noble calls of justice and honor, disregarding the most obvious principles of the law of nations, of humanity and of civilization, converts an international struggle into treacherous assaults on defenseless persons, pillage, war without quarter, and unlimited destruction.

Against this frenzy, which makes Chili forget even what she owes to herself as a Christian republic, Peru offers the manly perseverance necessary for the vindication of her rights, and the reparation of the damages received in consequence of this scandalous abuse of power.

Meanwhile, she cannot but consider as accomplices of her enemy all those who, without any possible excuse, under the protection of a neutral flag, co-operate in the depredation of her wealth, and help to increase the resources with which Chili is outraging and destroying all that which the community of civilized nations holds as respectable and sacred.

She will, therefore, treat as enemies all such co-operators, who having of their own free will violated the neutrality which, for their own protection, they should have respected, lose, *ipso facto*, all right to any protection, by taking part in an act of usurpation and embezzlement which nothing can justify, inasmuch as during the present war Chili has not made any special claim or demand against Peru, either before or since the declaration of war. Chili declared and makes war against Peru simply because she is the ally of Bolivia. This is the sole cause of her hostilities. All that does not tend to weaken the forces of the republic, or to destroy, when absolutely necessary, any materials by which injury might be occasioned to our foe, is iniquitous and contrary to universal morality and the law of nations, and warrants reprisals not exceeding that measure which should be observed by a nation that respects itself and is conscious of its imprescriptible duties.

You will please read this dispatch and the inclosed bulletin to the chief of the foreign office of that government, and furnish him with copies of both, should he so desire.

God keep you many years.

PEDRO JOSÉ CALDERON.

TREASURY DEPARTMENT,
Lima, January 27, 1880.

To the Financial Agent of Peru in Europe:

SIR: In a former letter I spoke to you of an exposition I would make about the motives that have influenced the government in its first steps with reference to the finances, and particularly to the foreign credit of Peru; and by especial request of his excellency, the supreme chief of the republic, I now comply with this duty.

Peru is at present undergoing a very difficult trial, from which she will undoubtedly reap two great benefits, her regeneration at home and proving to the world her elements of power and strength; although her difficulties and complications are now very great, she must nevertheless conquer them to attain this object.

However painful it may be, yet we must inevitably look back on the last ten years in order to understand better the difficulties and complications in which we are now placed.

Exaggerations of prosperity, against which proved useless all the efforts of the present President of the republic, then minister of finance in 1872, brought about the initiation of the new foreign loan of the following year, which occasioned his separation from the government, and was the starting point of the indefensible financial situation through which the republic has ever since had to struggle.

That loan, most imprudent in itself, since it was to absorb in its own service the greater part of the income of the nation, had scarcely commenced at the inauguration of the new government of that year. That government not only did not annul it, as it could and ought to have done, but the most unfortunate manner in which it was carried out in Europe, emitting its obligations at truly ruinous rates, decided the disaster. And this fact, together with the series of economical and political errors of those four years, brought on the suspension of payments abroad, and misery and ruin at home.

The succeeding government did not remedy the evil. Following the same path which had been condemned by the whole country, protesting against it even under arms on several occasions, it only succeeded in widening the breach that had already been opened.

A terrible blow was dealt to the flourishing saltpeter industry, under pretext of forming a new financial resource, thereby ruining the manufactures and the public treasury, depriving the former of their nitrate, and creating for the latter an enormous debt of nearly 20,000,000 of soles.

Our principal income, the guano, became, by virtue of the contracts celebrated since 1874, reduced to an incredibly small amount. Coin disappeared entirely from our market, being replaced by the greatest of economical calamities, the paper money of forced currency. The internal consolidated debt increased immensely; the floating debt appeared; and even the servants of the state were frequently without pay.

Such a sad situation, together with other grave symptoms of administrative and political disorder, encouraged Chili, covetous of her neighbor's riches, to appropriate the Bolivian coast, convinced that the powerlessness to which Peru had been reduced would prevent her interfering in such a culpable enterprise.

The Chilians could not have chosen a better opportunity, knowing that the treasury of Peru was empty, and that she was completely unprepared on land as well as at sea; thus our republic found itself engaged in a war, that in other circumstances Chili would never have dared to provoke.

Notwithstanding this, the natural advantages of Peru, the patriotism and extreme generosity of her people, would have sufficed to balk Chili, had it not been for the conduct of her government, which brought about the loss of her fleet, and the inexplicable disaster of San Francisco, followed by the disappearance of the head of the government.

The Peruvian people who, with their generous efforts, had endeavored to retard this crisis, and upon whom the war had imposed complete forgetfulness of the past and a firm adhesion to even the very originators of their sufferings, at length saw the end of the same. With a unanimity, which has few examples in history, they overturned, on the 22d of December last, the then existing political power.

That event, which to an ordinary observer would merely appear as one of so many disturbances of Spanish America, is, to all who know the country and will meditate for a moment on the circumstances under which it took place, and the causes which produced it, but the eloquent protest of the entire nation against the political period which terminated on 23d of December last. That national protest does not alone comprehend the military events during the actual campaign, but also the entire policy which has brought them about, and the administrative path followed by the overthrown *régime*.

And this is the reason that, notwithstanding the fervent respect of the Peruvian people and their actual chief for the sovereignty of law and liberty, they have with common consent established a provisional dictatorship, accepted by both, only as an imperious and temporary necessity which the present circumstances demand

I must now confine myself to the administrative department, and more especially to the line of conduct observed by the two preceding governments toward our foreign creditors.

Hence arises the evil, and not altogethor from the want of material compliance with stipulated liabilities.

A nation, as an individual, may find itself trammeled much to its regret by circumstances such as to deprive it of the means of paying the whole of its debts.

But a nation, with even more reason than an individual, can never deviate from the open path which its duty, its integrity, and clearly its own profit indicate, should be maintained; it should, with sincerity and loyalty, make known its situation and omit no sacrifice or effort that will reveal its earnest desire to satisfy its creditors within the limits of possibility.

And now it is very hard but necessary to confess, the two preceding governments have erred in this respect, thereby drawing upon the nation the most lamentable consequences; whereas, the first acts of the new regime and the purpose of this note is to prove our intention of fulfilling religiously this duty.

On the accession to the command of the government by the present head of the republic, the following was the situation as regards our foreign creditors and our means of fulfilling our engagements with them:

The external debt, owing to its enormous amount, even given the rehabilitation of our revenues, the termination of the war, and the reduction of public expenses could not be attended to according to the compact as to interest and sinking-fund. In this case the only honorable course was to declare it. And as it is evident that that debt was in the greater part contracted in order to employ the money in the construction of railroads, it was but honest to deprive ourselves of these and deliver them without hesitation into the hands of our creditors. This took place according to the supreme decree of the 7th of January of the present year, the railroads being given over to the creditors, not for their corresponding value in bonds, but for the amount in hard cash that we had spent on their construction.

It was afterwards needful to seek, by reducing our public expenses and augmenting taxes, the highest "superavit" possible to give to our creditors.

This has been done by the decree already cited, establishing a payment of 4 per cent. annually, by means of £2 sterling on each ton of guano exported, to be deposited in the Bank of England, reserving to our creditors the right of obtaining for themselves that deposit from the exporter contracting with Peru, and to lay an embargo on the article exported.

In order to attain this object we have been forced to reduce by one-half our estimate of expenses, and to obtain more funds by taxing the people.

I do not know that it would have been possible to have done more.

It is true the payment of the external debt does not commence at once, but the reason is evident; through the events of the war our guano deposits are in possession of the enemy, and, therefore, in order to place their produce at the disposal of our creditors it will be necessary to re-obtain possession of them. Before that there is no possibility of our thus utilizing them.

We were in possession of guano, already exported into Europe, which we might at once have put into the hands of our creditors, and this would have been done had not their own interests been against it.

For, as I have already said, in consequence of the war, our guano deposits are in power of the enemy.

Consequently, and, even laying aside the great national interest in the maintenance of our dignity and right, it was necessary to decide between two steps: either to obtain from the guano stored in Europe the requisite funds to complete our armament, in order to recover by force the guano deposits, which will permanently furnish the payment of the external debt, or to yield to our creditors the comparatively small amount of the value of the stored guano, but thereby placing ourselves in the impossibility of speedily recovering the property which we destine to the payment of our debt.

Between these two extremes it was not difficult to decide. On the 7th of January last we signed a contract by which we deduct from the value of the guano stored in Europe merely the necessary amount to make up our armament, leaving the rest for an extraordinary amortization of the debt (Art. II of the supreme decree of the 7th of January, 1880).

The official acts to which I refer have been so planned that not even the exceptional situation of the war can damage the existing agreements with our creditors, but rather improve them.

By the terms of the compact, which took place in London, on the 7th of June, 1876, the fulfillment of which has, with reason, been demanded by the holders of our bonds, Peru was to appropriate from the value of the exported guano sold in Europe, the sum of £700,000 annually, leaving to the demands of the debt only the remainder of the yearly profits, which, however, in consequence of the mode of conducting the sale,

have, up till now, been delusive. For this reason Peru will only take, and that for once alone, a portion of the value of the stock, renouncing the annual payments agreed upon, which would amount to a far higher sum.

With the object of obtaining from the guano sold in Europe sure funds for the war, and certain profit for the bondholders, it was needful to overturn the system employed till now in the exportation of guano; removing the causes which have rendered its value so profitless in the last few years.

Of these causes there were two: 1st. The ruinous competition between the house in possession of the guano formerly bought, "Dreyfus Brothers & Co.," and the present consignee, "Peruvian Guano Company Limited;" 2d, the insecure and variable profits according to the consignment and quality of the guano, instead of the sale of the entire stock at a fixed and uniform price.

Allowing the existence of the two mentioned houses in possession simultaneously of the market, and both of them with stock for sale, it is not difficult to see that the only means of doing away with the competition which reduced the products of the guano so low as to render it of no value to us, or to our creditors, was to divide the market between the two. The second cause of the evil could only be remedied by finding a purchaser of all the stock at a fixed and uniform price.

Now, no sensible person will deny that to obtain this result on a practical basis and with the speed which the situation demands, would give rise to disputes between the said houses. There was no other road then open, but to make an arrangement granting them all they claimed, in order to obtain:

1st. The much desired separation of the markets and consequent suppression of the competition.

2d. The attainment of the largest fixed and certain price possible for the European stock; allowing full liberty to discuss quietly and through the respective tribunals the rights claimed by the two houses. This has been obtained in the arrangement made with Dreyfus Bros. & Co., on the 7th of January, and in the additional contract of the same date which was first proposed to the "Peruvian Guano Company Limited."

By any other means the Government would only have given rise to misunderstandings which would have been prejudicial to itself and to its creditors, with no better result than that of rendering the situation worse than it was before.

As the Government cannot now dispose of any guano but that which is stored in Europe, it would be delusive and prejudicial to make any contract relative to the exportation of any. Delusive, because having to employ its means to recover the use of its deposits and to re-establish the export, and it certainly not being possible to consent that this should be effected, under the protection of a foreign power, overlooking the national rights of the country, there was nothing on which to base a contract. Prejudicial also, because every contract would cause needless disadvantages to the Peruvian treasury on account of the delay in the delivery of the article and the uncertainties of the struggles to recover it.

We had then to limit ourselves to the guano in possession of our agents, reserving till after the campaign that which is now in the hands of our enemy.

Everything that we could do has therefore been done with regard to the guano (considering our situation), in favor of the interests of our creditors, which are identical with those of the national treasury. The delusive income of its sales in Europe have been enormously increased and converted into a certain and fixed sum. The service of the debt agreed upon in the London contract of 1876, at 3 per cent. per annum, we have carried to 4 per cent., and with guarantees and securities of unfailing compliance. We have given in part payment properties of real value, such as all our railroads. And, finally, even in spite of the war, we have renounced the annual income latterly agreed upon with our creditors, leaving them the value of even the guano stored in Europe, receiving, once for all, only a portion of it; and that with the object of helping us to recover the deposits of guano which are now in the hands of the enemy.

The nitrate was, doubtless, another article in the hands of the government; and although it has not been considered in the arrangement for the payment of our foreign debt, we should not have hesitated for one moment in throwing it in, to serve our creditors better.

There were, however, two insurmountable obstacles to this: First, that the government had taken possession of the saltpeter mines from the proprietors, giving them in exchange documents which have never been canceled, nor can they ever be paid for with the other revenues of the country; in reality these mines do not belong to us, and it would have been equivalent to disposing of property which belongs only to the nitrate manufacturers.

The second impediment is obvious. The department of Tarapacá being occupied by the Chilians, any transaction relative to saltpeter would be purely chimerical, before turning them out. Even if we had a right to dispose of the nitrate, which is not ours, the opportunity has not yet arrived to place it at the disposal of our creditors. Among these there have been some who consider that Peru should yield to them the export of guano, and even of nitrate, in order that they may pay themselves, allowing so much

per ton to Peru. The convenience of this step has been encouraged by the idea that as neutrals the bondholders would be allowed to export these articles, in spite of the actual possession of the enemy, and shielded by their respective flags. This would amount to the establishment of a sort of foreign protectorate over our territory, when we ourselves are fully able and determined to drive the enemy out, without need of foreign aid. No foreign government would lend their aid to such foolish pretensions; nor would Peru and its present government ever consent to such a thing

Laying that aside, and supposing that we had again obtained possession of our territory, no sensible government could possibly accept a proposition to allow the creditors to come and pay themselves.

Without a complete abdication of national rights and functions, it is not possible to transfer the administration of national resources, before first proving that the government is incapable of acting for itself. It would be like the affairs of a bankrupt being arranged by his creditors, and Peru, fortunately, does not yet find herself in that position.

Besides which, such a proceeding would not be a security even to the bondholders. So numerous as they are, belonging to all social conditions, and not even able to agree or act in unison, what would be the practical signification of giving up to them the management of the guano and nitrate? Would their interests be better guaranteed by the person or persons who would be appointed to represent them, than by a people of a government, who, although they may suffer disturbances, will always exist, and are not liable to the mistakes and errors of private individuals?

Supposing that Peru were to consent to transfer the management of the nitrate and guano to an imaginary body entitled "bondholders," the consequence would be that a speculator chosen by them (if this were possible) would undertake the extraction and sale of guano and nitrate, and the distribution of its profits in a manner which would not offer nearly such security as if this election were made by the government of the country; their responsibility would cease, but not their right of intervention, since a portion of the profits of this export have been given up to them.

It is not the interest of the large number of bondholders that produces the excitement of a few, and their attempts to take upon themselves the management of the guano and nitrate at all hazards. It is a gross speculation, fomented by the intrigues of Chili to their own advantage, but to the great detriment of Peru and her creditors; this fact they cannot ignore. All this is so anomalous and rotten that it is not worth the trouble of investigation; and if I touch upon it at all, it is merely because, last year this pretension made its appearance in a proposition presented by a very small number of Peruvian bondholders, and in one or two foreign newspapers.

The confusion in this affair has reached to such an extent, that there are even some who conceive the possibility of an understanding between the Peruvian bondholders and the enemy with whom we are at war.

We will do the greater portion of our bondholders the honor of believing that it has been far from their intention to share with the enemy the riches of Peru; for it is certain that that would be the only interest that would lead the latter to this international scandal. The respective governments of these could not help looking upon this as an offense against justice and the common interests of States. Finally, for us as for any other nation in a similar case, there is but one conclusion: The immediate canceling of all debts to such as should commence by disavowing the fact which existed between us in order to consummate one with our enemy to our detriment.

If such a thing should happen, however, it will only prove a gross injustice, of which the perpetrators would reap but little benefit, because Peru has the firm determination, and has the means wherewith to drive the Chilians out of the territory, which it is only occupying temporarily.

Not even during this occupation would such an attempt be profitable, because as the government has already declared in an international dispatch, the very ships used to export the nitrate and the guano abstracted from Peru would be only taking undue advantage of their flags, if neutral, which, for this very reason, would not protect them from being seized by us or in our name.

In conclusion, the official acts to which this dispatch refers, as will be very easily seen by the slightest examination, have consulted as much as possible our foreign credit, and with it, the interests of our foreign creditors. Any other steps will only be prejudicial to them as well as to the republic.

The new government which Peru has chosen, interpreting the national will, even in the midst of the preoccupations of the war, has, nevertheless, devoted its first attention to the service of our creditors. Seconded by them, as Peru has a right to expect, our government will have put an end to the damages they have had to suffer, much to the regret of the whole nation, which will thus be vindicated by practical and undeniable facts from the charges against her, owing to the blunders of her former rulers.

I trust that you will make such use of this communication as to make known its contents to our bondholders, as it is the particular desire of his excellency the chief of state, as well as mine, that they should be thoroughly convinced that Peru and her

government are proceeding with loyalty, and feel the greatest interest in their rights, which will no doubt be proved by the terms of this exposition, and the painful frankness with which I have stated the declarations it contains relative to the former political period.

May God preserve you.

MANUEL A. BARINAGA.

DEPARTMENT OF FINANCE.

NICOLÁS DE PIÉROLA, *Supreme Head of the Republic.*

In view of the proclamation published in Iquique, on the 25th of February, by the general-in-chief of the forces of the Chilian army occupying Tarapacá; and,

Considering,

1st. That the *de facto* dominion exercised by the Chilian forces, and that only temporarily, over the Peruvian guano deposits, has not and cannot annul the seigniory and exclusive proprietorship by Peru of said deposits.

2d. That the right has not been accorded to the bondholders by their bonds of paying themselves by working themselves the guano; and that, even if such were the case, it would be indispensable that an agreement be previously made as to the mode of carrying out the same.

3d. That neither the whole nor much less any portion of the bondholders, in whose favor the guano contained in said deposits is hypothecated, could ever have it in their power to make such agreement with any other authority than with the Peruvian Republic, with which they contracted as the sole and absolute owner of that substance, and much less could they cede a part of the value thereof, thus constituting themselves auxiliaries of the enemies of Peru.

4th. That Peru finds herself by duty compelled to oppose the attempted defraudation, not only in the name of her own rights, but in that of the great number of her creditors, whose interests it is her duty to study.

5th. That, therefore, on the supposition that some portion of the said bondholders, as is insinuated by the proclamation referred to, have solicited from Chili a permission, which she has no right to grant, and which appears to all intents and purposes to be a collusion for the purpose of defrauding Peruvian interests, such bondholders have, by their own deliberate will, broken the compact on which their credit was based, at the same time inflicting serious injury to the national sovereignty, which they have ignored and set at naught.

I decree,

1st. That the proclamation dated and published in Iquique, on the 25th February, by the general-in-chief of the Chilian forces occupying the department of Tarapacá, be declared a felonious assault against the sovereignty of Peru and depredatory of the guano in her deposits.

2d. The bondholders, who may in reality have solicited the permission to which said proclamation refers, to extract guano in payment of their credits, have thus lost, *ipso facto*, their rights to establish their claims against Peru any time or in any form whatsoever.

3d. The Peruvian Government will pursue, without further limit than that of the force of which she may be able to dispose for the purpose, the vessels in which the exportation of the guano may be effected, and will confiscate them whatever flag may cover them.

4th. The diplomatic and consular agents of Peru abroad will demand from the competent authorities the embargo of any cargo of guano exported in virtue of the proclamation referred to.

The secretaries of marine and hacienda are intrusted with the execution, publication, and circulation of this decree.

Given at the government house in Lima on the 15th day of March, 1880.

N. DE PIÉROLA.
MANUEL A. BARINAGA.

NICOLÁS DE PIÉROLA, *Supreme Chief of the Nation.*

In view of the proclamation published in Iquique on the 23d of February last, by the general-in-chief of the reserved army of Chili, on the export and sale of Peruvian nitrate, manufactured in the department of Tarapaca, the rest of the orders given on the subject by the Chilian agents in that territory; and

Considering:

1st. That the military occupation of said department by the Chilian forces, is a tran-

sitory fact, which can by no means authorize the appropriation of the riches of that territory, whether they belong to private people or to the exchequer of Perú, against whom Chili neither has, nor ever has had, before or after the war, any demand whatever, the fulfillment of which she might have to enforce by this means.

2d. Consequently that the decrees contained in the said proclamation respecting the Peruvian nitrate, amount to an embezzlement, without any motive or protest whatever in its justification, but a scandalous abuse of power.

3d. That for this reason the manufacturers and exporters of nitrate are bound to resist the consummation of this felony by every means possible with the object of complying faithfully with their engagements, which cannot be modified or altered by a foreign authority, which has usurped the national sovereignty, on pain of the strictest responsibility.

4th. That if a neutral flag protect the enemy's merchandise, this principle cannot be applicable to extracted or embezzled merchandise, and therefore the neutral ships that offer themselves to carry the guano or nitrate of Peru on Chili's account, commit an abuse against their flag and cannot shelter themselves under the terms of the Paris Congress.

I decree:

1st. That the said proclamation of the general-in-chief of the Chilian reserve army, dated and published in Iquique on the 23d of February of the present year, and the rest of the orders relative to the same affair be declared a felonious assault against the sovereignty of Peru, and depredatory of her property.

2d. The Government of Peru will persecute, without further limit than that of the force of which she may be able to dispose for the purpose, all vessels in which the exportation of the nitrate may be effected, and will confiscate them, whatever the flag that covers them.

3d. The nitrate company being authorized by their contract to persecute all exportation and fraudulent sale of the nitrate, will do so especially in the case, employing every possible means to that effect.

4th. The manufacturers and exporters of the nitrate of Tarapacá, who are not able to prove that they have only yielded to superior force in defense of the interests of the Peruvian exchequer, will be responsible for the losses caused thereby.

The secretaries of marine and finance are intrusted with the execution, publication, and circulation of this decree.

Given at the government house, in Lima, on the 15th day of the month of March, 1880.

N. DE PIÉROLA.
MANUAL A. BARINAGA.

No. 245.

Mr. Evarts to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, March 22, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, relative to reports which you have received, evincing the friendly relations which exist between the Governments of Peru and Bolivia, and also of its inclosure.

Accept, sir, &c.,

WM. M. EVARTS.

Señor Don JOSÉ CARLOS TRACY.

No. 246.

Mr. Christiancy to Mr. Evarts.

No. 137.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 23, 1880. (Received April 13.)

SIR: Referring to my dispatch, No. 133, I have to say in continuation of the progress and incidents of the war, that since that dispatch we

have no further reliable information of the depredations of the Chilian vessels along the northern coasts.

But on the 19th instant, as will appear by a slip from the South Pacific Times of this day, herein inclosed, which is believed to be entirely authentic, the Chilian vessels completely destroyed all the works for loading guano, &c., at the Chincha Islands.

It seems also, from various reports, that last week (the exact day I cannot ascertain) a Chilian force of from 2,000 to 3,000 men marched from Ilo to Mollendo, and that with some marines, who were near or arrived there about that time, they completely burned, sacked, and destroyed the town, railway, and railway station, wantonly destroying the lives of peaceable inhabitants, and in some instances ravishing women. I have seen no official account of this, but the British minister informs me that he has from the British consul, and that the facts are a disgrace to civilized warfare, though he says he thinks the cases of actual ravishing were but two. Some accounts state, and these in charity, I am inclined to believe, that some marines, with some insubordinate soldiers, who had broken open and sacked the custom-house, got intoxicated upon the liquors found there, and in this way were led into these excesses, and that the Chilian authorities intend to try the offenders by a court-martial. I hope, for the sake of humanity, that this may be the true version of the affair.

The orders, however, given by the Chilian Government to their fleet to destroy all the Peruvian ports, can hardly be carried out without great inhumanity and even barbarity, and that towards neutrals, English, Americans, French, Italians, and Germans, in whose hands, collectively, is most of the business and property in all these ports, many thousands of whom, if they are to be attacked without notice or opportunity of removing themselves or their property out of danger, are likely to lose their lives, or if they escape with these to be left penniless as many have already been.

But Peru, under her new régime, is beginning to show some signs of life, and is putting forth more vigorous efforts for national defense. And from what I have thus far observed, I do not hesitate to say, that if the present supreme chief had been in power from the beginning of the war, with the means which the former administration possessed, he would have accomplished much more than they did; and that his rule is about the best and most efficient form of government which it would be practicable to select for such a crisis and in such a country. I say this without intending any reflection upon the former government, and without surrendering any of my life-long antipathies to mere personal government. There are times and countries in which no other form of government can be rendered efficient.

But to proceed with the war. The Union, the only naval vessel left to Peru, except the monitor Manco Capac, at Arica, and the Atahualpa, at Callao, a wooden steam corvette, with 10 guns, entered the port of Arica before daylight on the 17th instant, taking arms, ammunition, &c., to reinforce the army in Arica; she was not seen by any of the enemies' vessels until she had been engaged some three hours in unloading cargo. Then the Cochrane and the Huascar opened the attack, which was continued for nine hours, aimed principally against the Union, which continued to fire from one side, while the unloading went on upon the other, she being also protected by the batteries on shore, and by the monitor Manco Capac. Finally, at 5 o'clock p. m., having discharged her cargo, she left at the south (instead of the north as the Chilians seem to have expected) and came safely away, arriving in

Callao on the 20th, her loss having been one killed and eight wounded, the smoke-stack and some steam-pipes having been injured, and some slight injury to the vessel. I inclose a more detailed account, taken from the South Pacific Times of to-day.

This is looked upon by the naval officers (of the various nations) now here as a very gallant act, and one that would have been pronounced, beforehand, as desperate or impossible.

There have been for several days rumors, brought here by some of the passenger steamers from the south, of a conflict at Moquegua, between the Peruvians and Chilians, in which the latter are reported to have suffered a severe defeat, but I can find no reliable confirmation of the rumor.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—MARCH 24. Since writing the above I have been furnished with the following information in reference to the affair at Mollendo, by Captain Brown, of the Alaska, and which he derives from Captain D'Arcy, of Her Majesty's steamship Shannon, just arrived from Arica, by which it seems that a force (Chilian) of about 2,000 went by transport to Yslay; that the object of the expedition was to march from that point and take Mollendo, in the hopes of being able to obtain railroad material for use at Ilo. The sea was so rough at Islay that only about 300 men could be landed. This small force marched on Mollendo to find it evacuated by the Peruvian troops, and abandoned by its citizens. The transport then entered Mollendo Bay and landed the troops. They had orders to bring away everything that would be useful, and to destroy all government property. The Chilians got drunk and set fire to every building, in spite of the endeavor of the officers to prevent such vandalism. They remained at Mollendo only one day.

I. P. C.

No. 247.

Mr. Christiancy to Mr. Evarts.

No. 138.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 24, 1880. (Received April 13.)

SIR: I have the honor to inclose to you the circular issued on the 17th instant by the secretary of foreign relations of Peru to her diplomatic agents abroad, in relation to the sale of nitrates by Chilian authority in the province of Tarapaca, and to the inhuman manner in which Chili is carrying on the war.

Probably you will receive the same circular from Mr. Tracy, the chargé d'affaires of Peru, if not already received. On the subject of the nitrates, you are probably sufficiently informed already, or soon will be, through the representative of Peru. (See my dispatches Nos. 112 and 117.)

But I will say here that in view of what the Chilian fleet has already done, and what seems to be now threatened, there would seem to be some foundation for the complaint that Chili is violating the humane rules of modern warfare.

I have it from an eye-witness (not official) who was at Eten the other day when that town was fired into, that no notice had been given to the

inhabitants of such intent, that there was no military force in the town, and no provocation given by the inhabitants by firing upon the assailants, or otherwise; and from the nature of the order of the Chilian Government to destroy all the Peruvian ports, the like course is to be expected in other ports of Peru.

In fact, I have the information (through Captain Brown, of the Alaska), obtained from the captain of a neutral naval vessel just arrived from Arica, that one of the highest authorities in Chili had just declared to him (the captain of the neutral naval vessel), that in the course of two weeks they not only intended to blockade Callao (which is all legitimate enough), but to appear before Chorillos (a mere watering place, nine miles from Lima, inhabited mainly by foreigners for health, and not even a commercial town, not having any military defense). That they intended to exact of that town a heavy contribution, and if not promptly paid, to destroy the town.

This mode of carrying on the war by Chili has produced a strong feeling here among all the representatives of foreign (neutral) powers—English, German, Italian, and French. A protest of the diplomatic corps has been suggested, and the representatives of one of those former, from whom I least expected it, who has a strong naval force here (but whose name I am not at liberty to mention), has suggested that the corps ought not only to protest against attacks made without notice upon the peaceable citizens of unarmed towns, but to insist that, before any of the towns upon the coast, even Callao, should be bombarded, a reasonable time should be given for the inhabitants, and especially neutrals, to remove themselves and property from danger, and for all foreign shipping to leave, and all foreign consuls to remove their archives and effects to some place of safety; and that, if these reasonable demands should not be complied with, then to place the vessels of war of the neutral nations between the Chilian fleet and the shore, with orders to return any fire the assailing fleet might make upon the town.

There will, doubtless, be a meeting of the corps in a few days, and, if so, I shall endeavor to act coolly and with circumspection; and while I shall avoid protesting against any of the regular and legitimate means which one belligerent may, according to the more humane practices of modern warfare, properly use to weaken its opponent, I shall nevertheless readily join in protesting against all such means as are supported only by savage or semi-barbarous practices of past ages, but condemned by the more humane codes of modern warfare. Humanity has some rights, even higher than those of belligerents.

I have, &c.,

I. P. CHRISTIANCY.

No. 248.

Mr. Christiancy to Mr. Evarts.

[Confidential.]

No. 139.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 24, 1880. (Received April 13.)

SIR: I have the honor to state to you some things which, in the present state of affairs, ought to be treated as strictly confidential. In

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* For inclosure, see document No. 244.

the first place there is a very general and very intense hostile feeling here against the English, and in the second place a very kindly feeling towards the United States.

To some extent the feeling of hostility to England is well founded. England has more influence in Chili than any other power. Many of the business men in that country are English by birth or descent. The most efficient men in her navy, officers, engineers, and gunners are English, and there are many of them in her armies. The recent action of many of the English holders of Peruvian bonds, payable from proceeds of guano, in accepting the proffer of Chili to take guano under Chilian authority from Peruvian guano-beds, has intensified this hostile feeling.

The whole transportation business from Panama south to Valparaiso is in the hands of an English steamboat company, the Pacific Steam Navigation Company, running steamers from Panama to Callao, whence other steamers of the same line go on to Valparaiso, and vice versa, changing steamers at Callao.

Most of the officers of these steamers running from Callao south, especially, are believed, and perhaps with some reason, to be very strong in their feelings in favor of Chili in this contest, and are believed to furnish to Chili much more intelligence of what is going on in Peru than they furnish to Peru of what is going on in Chili. To some extent, I have no doubt this is true, though I do not think it true to the extent which the present existing feelings of the Peruvians lead them to believe. These southern steamers have doubtless often carried contraband for the benefit of the Chilians, and sometimes for the benefit of Peru.

On the other hand the steamers of the same line running north to Panama have often carried contraband for the benefit of Peru, and, possibly sometimes, for the benefit of Chili. In short, it was impossible for a line of steamers running along the coasts of both belligerents to do business at all, without occasionally violating the strict rules of neutrality; and, as I once told the English minister, and the agent of this steamship line, the only way in which they could preserve the duties of strict neutrality was to balance its infractions between the belligerents.

I would scorn to stir up or even encourage a feeling against the English or any other people here, or to take advantage of any prejudice wrongfully existing for the benefit of the United States. But it cannot be concealed that there is a strong feeling here against the English though they have now more of the foreign commerce of Peru than any other nation, and it is also evident to me that there is, to *some extent*, good ground for this feeling. The feeling, is so deeply fixed that it will require years to overcome it. And in the meanwhile, while we have done nothing to create this hostile feeling, and have not the power to allay it, the question occurs whether we should not be entirely justified in availing ourselves of the existing fact, and of the kind feeling of Peruvians towards the United States, in extending, as far as possible, our commerce with Peru. We can do little to extend direct trade between the two countries, unless we change somewhat our tariff on wool and on sugar, the two leading products of Peru.

But it would be in the power of enterprising Americans to establish a line of steamers on this coast from Panama to Callao, at least (and even to the southern boundary of Peru), which would effectually put an end to the business of the English line along the Peruvian coast, at least, and this of itself would tend rapidly to introduce American products into Peru.

I had an interview with Don Nicolás de Piérola, the supreme chief of Peru, a few days since, in which he expressed the most ardent de-

sire for the establishment of such a line, assuring me that it would not only take the Peruvian business, but that the Government of Peru, if necessary, would give it direct aid. He promised me, in answer to my suggestion, that his government would furnish me the statistics, bearing upon the feasibility of such an enterprise. It occurred to me (that while I am not at liberty to correspond with individuals in the United States upon the subject) I might properly communicate the subject to you, and that you might have conference or correspondence with that class of enterprising Americans, who might find it for their advantage to inquire into the matter, and perhaps to establish such a line. Perhaps the Pacific Mail Company might think well of it.

The English line pays well, not only the main line to Panama, but the branch line north along the Peruvian coast. I submit these suggestions to your consideration, expecting before long to have the necessary statistics to enable business men to judge of the feasibility of the enterprise.

I have, &c.,

I. P. CHRISTIANCY.

No. 249.

Mr. Christiancy to Mr. Evarts.

No. 140.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 24, 1880. (Received April 13.)

SIR: I have the honor to inclose to you the copy of a letter and protest from Mr. Montjoy, our consul at Lambayeque, which I have just received, in reference to the depredations of the Chilian fleet at Lobos Islands, and at Eten. The injury, as you will readily perceive, is much clearer than the remedy.

I shall, however, forward a copy of his letter and protest to our minister in Santiago.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 140.]

Mr. Montjoy to Mr. Christiancy.

CONSULATE OF THE UNITED STATES OF AMERICA,
Lambayeque, March 17, 1880.

SIR: I have the honor to transcribe to your excellency the following report from Mr. Stalpe, of Lobos de Afuera Islands, of the proceedings of the Chilian cruisers at those islands, and also the attack made by the same vessels upon the port and town of Eten:

"LOBOS DE AFUERA, *March* 16.

"On the 10th instant there arrived here the Chilian corvette Chacabuco and transport Loa, which, after notifying the governor of their intent, proceeded to burn and destroy moles, platforms, cars, launches, &c., and to embark everything movable found on the islands, including mules, horses, live-stock, and provisions, as well from the company's stores as from the purveyor's store, over which the English consular flag was flying. In fine, they have completely stripped us of everything, and, as I telegraphed you on the 13th instant, I am sending the people away as fast as possible, leaving the contracted Chinamen until the last. In the interest of humanity and at my urgent solicitations, the commander, Don Oscar Viel, left me rice and charqui for eight days,

and spared the steamer Ballestas, which he said was forfeited by her voyages being illegal, on my representation that she was absolutely necessary to transport the people to the mainland, as we could not depart upon the ships, which do not feel inclined to move at present.

"The commander assured me that his orders to take away everything were most positive. The mole is this time completely destroyed, and the loading may be considered as definitely suspended."

"Althongh the Chilians arrived within ten hours of being sighted, I was able to sink the launches at their buoys, whence I will presently raise them, and the ships saved three by sinking them on their bow chains; the launches which they could not dispose of in that way were seized and destroyed, and the steamer Aurora was burned."

The Chilians, as you will doubtless have heard, had fired seven shots from a Metrailleuse at the locomotive engine which was on the mole at Eten, and eleven shells at the town, which fortunately did no damage, owing to the elevation of the guns necessary to raise them over the bluff (50 feet high) which forms the coast, the shells passing over the town and exploding on the prairie (pampa) beyond. This, however, without notice or any provocation on the part of the inhabitants, who have no means of defense or preservation, except that of flying from their homes.

The commander of the Chilian naval forces notified us that his orders are to await a re-enforcement of ships and to destroy all the ports from Payta to Callao. A third Chilian ship joined the squadron at Eten, after which they proceeded to sea, and we have seen them no more.

The resolution of the Chilian Government, as expressed by the commander of the bombarding forces, Capt. Oscar Viel, to destroy the ports of the coast, will, no doubt, arouse your attention as also that of the other foreign diplomatic officers in Peru, from the fact that at least 90 per cent. of all the immovable property in those ports belongs to foreign residents, such as dwellings, storehouses, &c. What favorable effect the destruction of such property can have upon the result of the war is not very clear to me, and therefore I request your serious consideration of the disastrous effects of such acts upon the Americans engaged in commerce and trade on the coast—effects which destroy the strenuous efforts of our government and citizens for the last few years to promote and encourage trade and commerce with Peru, and to procure in this country an outlet for our manufactures and products. The solution of this difficult situation I leave to your excellency, as eminently qualified by your capacity and position. Still, I consider it to be my duty, as an officer of the United States, to protest, in the name of our government and of her citizens resident in this district, and I therefore, do now most publicly and solemnly protest against all such barbarous and inhuman acts as directed chiefly and solely against American and other foreign citizens and their lives and property, and declaring that such acts do not and cannot contribute in any manner towards debilitating or harassing the people or Government of Peru, with whom Chili is at war, but are evidently and solely acts directed with premeditation against neutral residents of foreign nations who are peaceably prosecuting their legitimate trade and commerce under the protection of the general law of nations.

The fact that a very considerable part of the property of neutral residents in those ports consist in immovable property—store-houses, dwellings, &c., which cannot be removed to a place of safety, makes evident the determination of the Government of Chili (to whom this fact is well known) to wage deliberate war upon friendly nations, their subjects or citizens. It being a notorious fact that the property of Chilians who were established in Peru has been not only not confiscated but respected and protected by the Peruvian authorities, makes the more anomalous and exceptional the case of other foreign residents in this republic; it appearing that they only being neutrals are to suffer the brunt of the rancor of Chili, and calls for immediate remedy. The property in several of these ports being chiefly American, imposes upon me the obligation to protect them in so far as my duty and desires will permit, to insure for them, their families and property, that security for which the recent accounts of the outrageous sacking and burning of the towns of Pisagua and Mollendo, where defenseless women were violated and murdered, and innocent children thrown into the flames to perish, justly cause them to fear. And the fact that almost the total population of those places were foreign residents, who continued to reside there in the fancied security of peaceful neutrality from such barbarous attacks on the part of the Chilian forces. In view, therefore, of these precedents and others which show the determination of Chili to carry indiscriminate disaster and calamity among the peaceful neutral residents, and which has called forth the unanimous and indignant protest of the diplomatic corps in Santiago, Chili, I again make solemn and public protest against the Government of Chili, in the name of the Government of the United States, and her citizens, and of those citizens of other nations not here represented who have requested me in this matter, and to declare that the United States Government will hold the said Government of Chili responsible, and will demand payment for her citizens for all losses and damages in their persons and property that they have suffered or may hereafter suffer by act of wanton hostility towards them not authorized by le-

gitimate warfare, reserving the right to amplify and extend this declaration of protest as need or occasion may require.

And in order that the Government of Chili may not be ignorant of this solemn act, I request your excellency to forward copy to the minister of the United States in that republic to present to that government, and, also, if your excellency considers necessary or politic, to present this to the notice of the members of the honorable diplomatic corps in Lima, that they may act as each may consider best in the interest of his own citizens.

I have, &c.,

T. C. MONTJOY,
United States Consul.

No. 250.

Mr. Christiancy to Mr. Evarts.

No. 145.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 31, 1880. (Received April 24.)

SIR: As an evidence of the delicate and dangerous position of many American citizens in Peru, their intense feeling against the manner in which Chili is carrying on the war, and their strong and earnest hope that the minister of the United States here should take some speedy and energetic action for their protection, I have the honor to inclose a copy of a communication, this day addressed to me by some sixty-nine American citizens and firms, resident in Lima, Callao, Chorillos, and Miraflores, and there are many more, I am informed, who are yet to sign.

I deeply sympathize with these citizens of the United States, and am disposed to accede to their request for protection, just so far as the principles of international law will permit me to go, but I cannot consent to violate any of the clearly recognized principles of that law, even to protect our own citizens domiciled in Peru. I can see no way in which I can aid those resident or doing business in Callao, except to insist that, if a blockade of that port shall take place, a reasonable time shall be given to neutrals to remove from the port, and, if a bombardment is to be had, that a reasonable time shall be given for all peaceable and unarmed inhabitants to remove with their personal effects beyond the reach of hostile shot. Callao is a fortified town, and an important military post of Peru, defended by forts, batteries, and an armed force. It is, therefore, a legitimate point of attack, and the town is so situated, with reference to its forts and batteries, that these latter cannot be attacked without endangering the town itself. As to a town thus situated and defended, I must admit that less length of notice may be required of the establishment of a blockade, or of the opening of a bombardment, than would be required in the case of an open, unfortified, merely commercial town, undefended by a military force. If bombardment of towns of the latter description is permissible at all, when no resistance is shown, no military force opposes (which I fear the lingering barbarism of past ages still recognizes as a part of international law, but which I think would be "more honored in the breach than the observance"), common sense and common humanity would seem, at least, to require a notice sufficient for all non-combatants to remove with their household goods out of the reach of the guns.

But, there is still another class of towns along or near the coast, such as Chorillos and Miraflores, which are not in any sense even commer-

cial towns, nor defended by any military force or works, where vessels never land, but which are merely watering places of resort for peaceable people, and women and children for their health, but which are within reach of long range guns from the Chilian fleet. As to such towns a bombardment would be directly and exclusively against peaceable and unarmed inhabitants, and in my opinion no more permissible upon any sound principle, than the indiscriminate slaughter of the same unarmed, peaceable, and defenseless citizens anywhere in the interior. It would not be legitimate war in either case, except so far as might be necessary to reach an armed enemy near or beyond them, but simply wholesale murder, and ought to be condemned by all nations making any pretension to civilization.

But, I shall decide upon nothing hastily, nor until a decision becomes necessary. I met to-day the French, English, and German ministers, and the Italian chargé d'affaires at a breakfast at the French minister's. We had some consultation upon these matters. Some of them felt disposed to go a little further than I could go. But we are to meet again, ten days hence, or sooner, should the Chilian fleet make it necessary.

While I do not wish to take any such advanced ground as would interfere with the freedom of either belligerent to carry on the war in any legitimate manner, nor insist upon any restrictions to which we would not ourselves be willing readily to submit; yet, on the other hand, I do not wish American citizens to feel that their government will not go as far to protect them as other civilized and commercial nations are ready to go in protecting theirs.

I may have to act, to some extent, upon my own responsibility, as I shall probably have to act before I can receive instructions from the Department.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 145.]

American citizens to Mr Christiancy.

To His Excellency the Hon. I. P. CHRISTIANCY,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Peru:

SIR: We, the undersigned, citizens of the United States, engaged in commerce, trade, and other occupations, now temporarily residing in Peru, most respectfully call the attention of your excellency to the orders given by the Government of Chili to its fleet, to burn and destroy every port on the coast of Peru, and to the fact that the last news from the south brings the notice that their fleet is preparing to come, if not already on its way, to destroy the towns and ports of this vicinity. We have the terrible example of the barbarous mode of warfare of the Chilians in the sacking and burning of Pisagua, and more recently Mollendo, Islas de Lobos, and Eten, where the most unparalleled crimes and indignities have been committed, together with a wanton and cruel destruction of foreign property. Our countrymen resident in those places have suffered to an immense amount. At Tumbes, Talara, Islas de Lobos, Eten, &c., the whole property plundered or destroyed has been that of our citizens or of those of other neutral nations. We are all well aware, sir, that under the present recognized international code the neutral resident in a belligerent country suffers equally with the native, but we cannot consent that the right of a belligerent be so far exercised that he be permitted to wage exclusive war against the neutral residents in his enemy's country. Thus far the greater part of the losses and disasters have fallen upon neutral residents, and should the designs of the Chilians be permitted to be carried out, almost every such resident will be reduced to destitution. The watering places of Chorillos, Barranco, Miraflores, and Ancon are only the resorts of invalids and convalescents. They are neither centers of trade, commercial ports, or military posts; and of the elegant and costly residences, a great portion pertain to neutrals, and are the abodes of their wives and children, who are now perturbed with fear and alarm at the impending

danger, fears unfortunately too well founded, as we have seen, so far that the war as carried on by the Chilian fleet has been but the marauding attacks of pirates and buccaneers, with the exception in favor of those of the seventeenth century, that their valor led them to attack forts and fortified places to conquer and pillage; whereas we have seen during the last year that the bravery of the Chilian naval forces has been displayed mostly in attacks on the defenceless, where the groans of the sick, the supplications of women, and the wails of children have been the only resisting force, and where against such fearful foes plunder, conflagration, murder, violation, utter ruin, and disaster have accompanied their footsteps, and to such an unwarranted and barbarous extent has this proceeded as to call forth the unanimous and indignant protest of diplomatic representatives of all civilized nations at Santiago, Chili.

Callao, the great center of foreign trade with Peru, is a city of 35,000 to 40,000 inhabitants, of which more than two-thirds are neutrals. Around the ancient fortresses of the Spanish rule, has grown up an important commercial town of almost exclusive foreign enterprise; and, although international law provides that the fortified places of the enemy are legitimate points of attack, still, to-day, the enormous range of the instruments of modern warfare permit an insignificant force to destroy, almost with impunity, large and populous cities; and, as we have seen at Arica and other points on the coast, the Chilian ships of war have preferred to make the peaceful and neutral dwellings of those places the objective point of their artillery rather than risk a possible disaster from a duel with the batteries, and that hitherto, women and children have been the victims of those valorous encounters.

Considering, therefore, that we have well grounded precedents to fear the destruction of our homes and property, and the sacrifice of the lives of ourselves, our wives, and children; and further, that the greater number of the ports of Peru are mere business and commercial centers or health resorts of invalids, surrounded, for leagues, by inhospitable and impracticable belts of desert where the means of flight or removal are scanty and altogether inadequate.

And, further, that we have left our country to establish its trade and extend its commerce and influence in Peru and to contribute to its greatness under the solemn pledge of protection and such interpretation of the code of international warfare as may mitigate and avert unnecessary attacks upon our lives and the destruction of our property when such operations, as in the present case, do not conduce either to the termination of the war or to the harassing or weakening of the enemy.

And, further, that we cannot see or suffer that the strenuous efforts of our government, our citizens, and ourselves, exerted for a number of years to the end of asserting and securing our proper amount and proportion of trade, commerce, and influence, in this South American republic, be destroyed in a manner not justified by legitimate warfare nor with due regard to the rights of neutral citizens of friendly nations.

And, further, that Chili, founded upon the bombardment of Valparaiso in 1866, by the Spanish naval forces, in which foreign residents were the chief sufferers, seeks to-day to spread dismay and terror among their enemies by the devastation and destruction of neutrals and non-combatants upon whom has fallen, so far, almost the entire consequences of the war.

Therefore, we here most earnestly petition your excellency to take such steps as you may, in your superior wisdom, consider best adapted for the protection of ourselves, families, and property, and to make on our behalf a most earnest and effective remonstrance against the proposed attacks upon our defenseless residences in Chorillos, Barranco, Miraflores, Ancon, Chimbote, etc., and to exert the whole weight, influence, and discretionary power of your position, to mitigate and avert the evils of a bombardment of the town of Callao, limiting so far as diplomacy may avail, the danger and destruction to the combating forces of the forts and ships of war, and to the end and purpose of using all precautionary means of redress and protection in our power. We here make this public and solemn collective protest against the manner in which Chili has, and proposes to carry on the war, as inhuman, barbarous, and unworthy of a civilized nation, and against the destruction of ourselves and property by her armed forces, who have thus far directed their attacks against us, peaceful and non-combating neutrals, and we do demand and claim, through our government, just indemnity and payment from the Republic of Chili for all losses, damages, whatsoever, which we have suffered or may hereafter suffer, through the acts of Chilian forces not justified by the rules of modern civilized warfare.

We are, sir, your excellency's most obedient servants.

Lima, March 30, 1880.

JOHN C. MEIGGS,
A. A. BLIVEN,
(and sixty-six others.)

No. 251.

Mr. Christiancy to Mr. Evarts.

No. 148.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 6, 1880. (Received April 27.)

SIR: I have the honor to inform you that I have written to J. W. Merriam, our consul at Iquique, under date of 5th instant, giving him an exact copy of so much of your dispatch No. 65 as relates to his official duties, which he will, of course, follow.

I have, &c.

I. P. CHRISTIANCY.

No. 252.

Mr. Christiancy to Mr. Evarts.

No. 151.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 6, 1880. (Received April 27.)

SIR: Referring to your dispatch No. 63, I have the honor to inclose herein a copy of my official note to the secretary of foreign relations of Peru, of April 3 (No. 39), calling his attention to the eighteenth article of the treaty between the United States and Peru, and expressing to him the views entertained by our government of the effect of that treaty as to American vessels transporting nitrates from that part of Peru now in the military occupation of Chili.

I desire further to say, that from the first appearance of the circular of the secretary of foreign relations I had taken the same views of the clause to which you allude that you have expressed in your dispatch. But as I knew that Peru had no cruisers which could safely get south of Iquique for the present, I looked upon that clause in the decree as *brutum fulmen*, an abstraction so far at least as the United States were concerned; and thought it good policy to allow the other foreign representatives here to deal with that abstraction, until it should become a practical question.

I have, &c.

I. P. CHRISTIANCY.

[Inclosure 1 in No. 151.]

Mr. Christiancy to Señor Calderon.

No. 39.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 3, 1880.

MONSIEUR LE SECRÉTAIRE: By reference to the letter of Hon. Wm. M. Evarts, Secretary of State of the United States, to your excellency, dated the 1st of March last, which I had the honor to send to your excellency to-day, it will be seen that I am expected to explain to your excellency the views which my government entertains of that part of your excellency's circular of the 14th January last, which in effect, declares that the flag of a neutral and friendly nation shall not protect from capture, by Peruvian cruisers, nitrates shipped under the authority of Chili from that part of Peru in military possession of Chili, upon such vessels of neutral and friendly nations.

In the performance of the duty thus imposed upon me, I have the honor to call your excellency's attention to the eighteenth article of the treaty of 1870, between the United States and Peru, and to inform you that in the opinion of the Government of the United

States the shipment of such nitrates upon vessels owned by citizens of the United States is directly and expressly covered and protected by said article, which in substance (among other things) provides, that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading, or a part thereof should belong to the enemies of either, articles contraband of war always excepted; and that, in the opinion of the Government of the United States, if a Peruvian cruiser should capture an American vessel, or seize its cargo, or any part of it, because that cargo, in whole or in part, should consist of the nitrates referred to in the circular of your excellency, such capture or seizure would constitute a clear violation of said eighteenth article of the treaty.

The Government of the United States, therefore, confidently trusts that the Government of Peru, upon having its attention thus called to the treaty, will, from its friendly disposition to the United States, and its desire to preserve inviolate the faith of its treaty, either so modify the circular referred to, or will give such orders as may prevent an act which would give to the United States such just cause of complaint.

The undersigned will not permit himself to doubt that, upon a careful examination of the treaty, this reasonable request will be readily complied with.

I improve this new opportunity to renew to your excellency the assurance of my high regard and esteem.

I. P. CHRISTIANCY.

Exc'mo Señor Don PEDRO JOSÉ CALDERON,
Secretario de Relaciones Exteriores, &c., &c., del Peru.

No. 253.

Mr. Christiancy to Mr. Evarts.

No. 156.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 14, 1880. (Received May 5.)

SIR: I have been ill for the last ten days, a portion of the time confined to my bed, which I hope will be sufficient excuse for any deficiency in my correspondence. I dictate this to my clerk, being unable myself to write. The military situation is substantially as follows:

The Chilian land forces have taken Moquegua and Tarata, and are reported now to have reached Locumba, while the Peruvian forces, under the command of Montero, have left Arica and are now supposed to be at Tacna, except perhaps a thousand men left manning the batteries and defending Arica. There are also understood to be several thousand of the Peruvian forces at Arequipa and its vicinity. It is also reported that there are some of the Bolivian forces at or near Tacna co-operating with Montero. We hear various rumors that a battle has been fought in that vicinity, resulting in favor of the Peruvians. I think all such report as yet wholly unreliable.

By water the Chilians have full command of the sea, and on Saturday last, the 10th instant, a portion of the Chilian fleet, consisting of Blanco Encalada, Huascar, Angamos, Pilcomayo, and Matias Cousino, and two other vessels (whose names are not yet ascertained), with some torpedo launches, appeared at the northern entrance of the port of Callao, just before daylight, and an attempt was made by a torpedo launch to blow up the Peruvian corvette Union, which failed on account of the launches and timber collected around the Union for the purpose of making repairs. On the same day a notice was given by the Chilian admiral to the dean of the consular corps of Callao of his intention to blockade that port, and giving eight days for the neutral vessels then in port to load, unload, and depart; at the same time intimating his intention to attack the military defenses of that port, and that it might become necessary for him, in attacking such military defenses, to fire upon and endanger the town.

The fair inference from his language was that the same period of eight days would be given for the peaceable inhabitants to remove themselves and their movable property out of the range of the guns. The consular corps subsequently requested of him to extend the period of eight to fifteen days, to which he, on the 13th, by letter addressed to the corps, assented to add to the former notification two days, making the period ten instead of eight days, and at the same time signifying that the same length of time would be given for neutrals and non-combatants to remove from the town before he should open fire upon its defenses, unless, in the mean time, he should be provoked to an earlier attack by being fired upon by the Peruvian forces, or an earlier attack should become necessary by some demonstration made by such Peruvian forces.

Considering that Callao is a fortified town, defended by forts, batteries, and military forces, which, by the laws of war, the Chilian fleet have a right to attack, I deem this notice entirely reasonable.

In the mean time it is understood that the regular line of mail steamers from Panama to Callao and back will be allowed to enter and depart with the mail and passengers, but we have no assurance, as yet, that a similar privilege will be accorded after the ten days expire, the 20th of this month.

It is therefore quite probable that it may be several weeks before I shall again be able to communicate with you.

The inhabitants of Callao are fleeing with their property to Lima, and American citizens both of Callao and Lima are appealing to this legation for protection, and though I am out of health, and have no means of protecting them, except such as the United States flag and the position of a minister of the United States may give, I propose to remain at my post and afford them all such protection as may be in my power; though my own private affairs make it imperative that I should leave for the United States at the first moment I can receive leave for that purpose, twice already requested, but not yet answered. I should not now leave until the present crisis is over, if I had the express permission of the President; but I may be allowed again to call the attention of the Department to my two letters requesting a temporary leave of absence, of which I may avail myself at the first moment that the public interest will permit.

I inclose, herein, a copy of the South Pacific Times of the 13th instant, showing substantially the present position of affairs here.

I will further say that the paper currency of Peru has, since the notification of the blockade, fallen to eight paper soles for one American dollar.

I have, &c.,

I. P. CHRISTIANCY.

No. 254.

Mr. Christiancy to Mr. Evarts.

No. 157.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 18, 1880. (Received May 17.)

SIR: Though scarcely able to be out of my bed, yet, as events are becoming interesting here, I make this effort to keep you informed.

Referring to my last dispatch in reference to the progress of the war (No. 156) I will say that since that dispatch the diplomatic corps have

had two meetings, and at the meeting yesterday all unanimously approved and signed the communication to the Chilian admiral, a copy of which I here inclose with translation.

The third point is understood to apply at present to the city of Lima, six miles from the Bay of Callao (but it might be reached by shot from very long-range guns from the Bay of Chorillos, say five miles, the intention to do which has been declared), and of course generally to all other towns due notice of the bombardment of which shall not have been given.

I will further say that immediately after my last dispatch, No. 156, at a meeting of the ministers of England, France, and Germany, and the chargé d'affaires of Italy, it was unanimously resolved that the notice of the blockade given by the Chilian admiral applied only to Callao.

Knowledge of this resolution was, I suppose, conveyed to the Chilian admiral, when he declared that the notice was intended to apply also to the towns of Chorillos, Miraflores, and Magdelena; but I am satisfied from information received through the British minister, who, as well as the commander of the English naval vessels here, seems to be on very friendly if not intimate terms with the Chilian admiral, that the Chilian fleet do not intend to fire upon the three latter towns unless provoked by hostile demonstrations therefrom, though the blockade will apply to them.

The regular line of English mail steamers (upon which we all have to rely for our mails north and south) is no longer permitted to enter Callao. But the port of Ancon (20 miles north) is as yet open, and a steamer from there to Panama is expected to leave on the 22d, by which I expect this to go.

On the 20th, at 12 m., we expect the bombardment upon Callao to commence. The Chilians have eight vessels here, among which are Blanco Encalado, the Huascar, and the Angamos, and it is believed they will have more before the attack is commenced. Our consul, Mr. Clayton, has, with my advice, removed the archives of the consulate on board the Onward to await the result.

On land, the only news of importance since my last is that Campero, after having put down the revolution against him at La Paz, has joined Montero, the Peruvian commander at Tacna, with from 2,500 to 3,000 men (and that more are coming from Bolivia), making at present, of the allies at Tacna, some 13,000 or 13,500 men. The Peruvians are also said to have some 7,000 at Arequipa.

Such, in brief, is the present situation, but a few days may change it all.

In the mean time the Peruvian paper soles are quoted for exchange at from 6¾ pence to 7 pence, or, in American gold, at, say from 13 to 14 cents per sol.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—I inclose copy of the answer of the Chilian admiral to the communication of the diplomatic corps above referred to.

P. S. 2d, April 21.—No bombardment yet commenced on Callao.

[Inclosure 1 in No. 157.—Translation.]

Diplomatic corps to Admiral Riveros.

LIMA, *April* 17, 1880.

The undersigned, after reading the note of Admiral Riveros, to the consular corps of Callao, are convinced that, in conformity to his declarations, the chief of the blockading squadron, on making use of the rights of war, coinciding with his own interest, is aware of the rights due to neutral individuals and their properties. Nevertheless, the correspondence between Admiral Riveros and the consular corps leaving some points uncertain, they deem it their duty, in order to protect the interests of those under their charge, as well as to cover their responsibility towards their respective governments, to make the following declaration:

1st. That they reserve all questions in regard to the damages which may be caused, without military necessity, to the persons and property of neutrals.

2d. That they especially make these reservations in case of the bombardment of open and undefended localities.

3d. They do so likewise in the case of a bombardment of a town not expressly designated in a previous notification.

The undersigned hope that the Chilian admiral will be pleased to acknowledge the receipt of these reservations, and avail themselves of this occasion to offer him the assurance of their high consideration.

The minister of Ecuador:

J. DE T. PINTO.

The minister of the Argentine Republic:

JOSÉ DE URIBURU.

The minister of France:

E. DE VORGES.

The minister of the United States:

I. P. CHRISTIANCY.

The minister of Great Britian:

SPENCER ST. JOHN.

The minister of Germany:

V. GRAMATZKI.

Chargé d'Affaires of Italy:

J. B. VIVIANI.

Charge d'Affaires of Brazil:

MELLO Y. ALVIM.

[Inclosure 2 in No. 157.—Translation.]

Admial Riveros to the diplomatic corps.

APRIL 18, 1880.

The undersigned has the honor to acknowledge the receipt of the esteemed collective note, dated yesterday, which the honorable diplomatic corps of Lima, has been pleased to address to him.

That valuable communication has for object to establish declarations and reservations on the following points:

1st. In the case that the persons and property of neutrals will be damaged without military necessity.

2d. In case of the bombardment of open and undefended localities.

3d. In case of the bombardment of a town not expressly designated in a previous notification.

The undersigned, while sustaining the declarations and communications which, in the proper opportunity, addressed to the honorable consular corps of Callao, and to the commanders of the naval forces of neutrals in this harbor, has the honor to acknowledge the receipt of that respectful note, placing to the knowledge of the honorable gentlemen who signed it that, by the first opportunity, he will make it his duty to transmit the original to the Supreme Government of Chili.

The undersigned commander thinks proper to repeat here his declaration that, as far as the necessities of war and his instructions will permit, he will never forget the duties which the principles of humanity impose upon him, and the respect due to those who have not the character of belligerents.

The undersigned has the honor to offer, &c.,

No. 255.

Mr. Evarts to Mr. Christiancy.

No. 76.] DEPARTMENT OF STATE,
Washington, April 19, 1880.

SIR: I have to acknowledge the receipt of your No. 140, in which you inclose a report of Consul Montjoy, relative to the destruction of neutral property at the Lobos Islands by Chilian vessels.

The Department had received information from our minister at Santiago of the issuance of the order, which appears to have been in part carried out at these islands, on the occasion referred to, and also of a representation made by the minister to the Chilian Government, to the end of procuring a modification of the order in the interest of neutral citizens of the United States. This government will not fail to protest to the minister of Chili in Washington against the conduct of the war, to the injury of citizens of the United States; and should Peru pursue a like course to that of Chili, it will be expected that you will make due representations to the minister of foreign affairs, to prevent damage to the citizens of this country and to restrict the collisions of a military character, the cruelties and devastations of the war.

I am, &c.,

WM. M. EVARTS.

No. 256.

Mr. Evarts to Mr. Christiancy.

No. 77.] DEPARTMENT OF STATE,
Washington, April 23, 1880.

SIR: I transmit herein for your information a copy of a late* instruction sent to Mr. Adams, the newly-appointed minister of the United States to Bolivia, respecting a proposition of Chili touching an exchange between those countries of prisoners of war.

I am, sir, &c.,

WM. M. EVARTS.

No. 257.

Mr. Tracy to Mr. Evarts.

[Translation.]

PERUVIAN LEGATION,
New York, April 26, 1880. (Received April 27.)

SIR: Yesterday, Sunday, the 25th instant, this legation received, through the Peruvian consul-general at Panama, a telegram from the Supreme Government of Peru, which reads as follows:

Callao blockaded. Peruvian Government has declared the inlets to be major ports, and the ports between Casma and Pisco to be minor ports.

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* For inclosure see correspondence with United States minister to Bolivia, document No. 22.

I have the honor to communicate this to your excellency for such action as you may deem proper, and I take advantage of this opportunity to renew, &c.,

JOSÉ CARLOS TRACY.

No. 258.

Mr. Evarts to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, April 28, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 26th of April instant, communicating information of the blockade of Callao, &c., and to say in reply that I have acquainted the Treasury Department with the intelligence received.

Accept, sir, &c.,

WM. M. EVARTS.

No. 259.

Mr. Christiancy to Mr. Evarts.

No. 159.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 28, 1880. (Received May 24.)

SIR: Referring to my dispatch No. 157, I have the honor to state that no authentic news has since been received as to the operations of the armies in the south; that on the 22d instant, at 2 o'clock p. m., the Chilian fleet, blockading Callao, or rather that part of it consisting of the Angamos, the Huascar, and the Pilcomayo, opened fire upon the defenses of Callao, and upon the monitor Atahualpa, the corvette Union, and the transport Oroya, which latter were inside the mole, and in great part protected by it.

The fleet fired about 120 shots, killing one man on the Union and wounding one or two others; wounding 4 on the Atahualpa, and on the Rimac 1, killing one man in the arsenal and three horses, and wounding two men, also wounding one man at the south battery.

This seems to have been the extent of the injuries inflicted by the bombardment.

The batteries fired somewhat more shots than the fleet, though most of them fell short of reaching the fleet, which was some 5,000 to 5,500 meters from the shore, and had the advantage of longer range guns. We have no information of the casualties which may have happened to the Chilian fleet.

The fleet drew off before 5 o'clock p. m., and the attack has not been renewed, though the blockade is strictly kept up.

We hear rumors to-day that the port of Ancon will be blockaded on the 1st May, but no notice yet given. Should it be so our mails can only be sent from Chimbote, unless some arrangement shall be made between the neutral naval vessels and the Chilian admiral to send and receive the mails.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—Whether the Peruvian batteries threw shot to the full extent of their range may be doubtful. I can only say that if I had been in command of those batteries they should not, on that occasion, have thrown their shot more than half or two-thirds their range, for reasons which must be obvious to every one who knows that the guns of the fleet had really the longest range.

I. P. C.

No. 260.

Mr. Christiancy to Mr. Evarts.

No. 162.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 5, 1880. (Received May 31.)

SIR: I have the honor to inform you that since my dispatch, No. 159, absolutely nothing of any moment has taken place on land or sea in this Chili, Peru, and Bolivian war, so far as intelligence has been received here.

The attempt to bombard Callao has not been repeated, and it seems to be the opinion of the neutral naval officers here that it will not be until the result between the land armies in the south shall be known.

The Peruvians, since my last, have erected another water battery of heavy guns.

The blockade of Callao is strictly enforced, but the port of Ancon, 20 miles north (communicating with Lima by railroad), is still open, and no notice yet given of intention to blockade, though we are expecting it daily.

I am, &c.,
I. P. CHRISTIANCY.

No. 261.

Mr. Christiancy to Mr. Evarts.

No. 165.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 12, 1880. (Received June 5.)

SIR: I have the honor to inform you that on the 10th instant, at 2 o'clock p. m., the Chilian fleet renewed the bombardment of Callao and its defenses, and continued it until after 5 p. m., all the vessels of the fleet participating, and firing together about 364 shots, and the batteries and Peruvian shipping replying with less than half that number.

The range of the 500-pound Rodman guns and of the 1,000-pound guns of the batteries was found to be greater than expected, and many of the 500-pound guns fired clear over the enemy's vessels. But very little damage was done by the guns of the Chilian fleet, none to any of the batteries. The Peruvian corvette Union and the transport Oroya, as well as the transport Chalaco, were slightly injured, and a few men wounded upon them. The only report of killed and wounded given by the government is 3 killed, of whom 2 were women, and 12 wounded, mostly non-combatants. But our naval officers think there must have been more, and that the Peruvian authorities purposely conceal the facts.

The Huascar was hit once or twice by guns from the batteries, and the Peruvians claim that they also hit the Blanco and the O'Higgins; but if this is so, it is clear that no serious damage was done.

Yesterday notice was given by the Chilian admiral of the blockade of Ancon, giving eight days, of which this is the first, for neutrals to quit the port. How we are to get our mails away after that is not yet determined.

We have rumors here of some successes of the allied army in the south. It is said they surprised and took Moquegua with all the sick and wounded of the Chilians, amounting to some 1,600 men, and some 800 soldiers on duty. But this needs further confirmation before it can be taken for granted.

No one here yet talks of peace.

I am, &c.,

I. P. CHRISTIANCY.

No. 262.

Mr. Christiancy to Mr. Evarts.

No. 172.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 28, 1880. (Received June 26.)

SIR: I have the honor to inform you that I have this moment received the letter of Mr. Osborn of 13th instant, from Santiago.

I have now only time to refer you to a copy of my letter to Mr. Osborn of May 7, which I inclose, and to say that, so far as yet known here, the situation is exactly the same as when that letter was written.

It is generally believed here that the land armies in the south must, ere this, have come to a decisive engagement, and all efforts for and prospect of bringing about a peace, hinge upon that result. I will say here that the supreme chief of Peru fully understands the position of the United States in reference to peace, and cordially approves it, and that Bolivia will undoubtedly concur with Peru. But I must say also, that I have no assurance from him that he would be ready to treat for peace on any *such* terms as indicated in Mr. Osborn's letter, even in case of a crushing defeat of the allied forces in the south. And my own impression is that he would not listen to *such* terms under any calamities the Chilians may be able to inflict.

On the other hand, should the allies be successful in the land contest, I think there might be a fair opening for efforts to secure peace, as the terms in that event would not be likely to be so humiliating to Peru.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 172.]

Mr. Christiancy to Mr. Osborn.

No. 60. (Misc.)] LEGATION OF THE UNITED STATES,
Lima, Peru, May 7, 1880.

SIR: Referring to the instructions of the State Department in the Secretary's dispatch of March 9, in reference to influences likely to be brought to bear upon Chili on the one side and Peru especially on the other, to constrain them to make peace, and the policy of our government in such a contingency, as well as the policy of friendly mediation, and referring you also to the instructions of identical effect which I am

assured have been sent to you, I will say that I am ready and anxious to contribute by any legitimate means in my power to bring about a peace, and to carry out the policy indicated by our government, at the earliest practicable moment, and in doing so I wish to co-operate cordially with you.

But while the present dead-lock continues, and especially until the land armies now in the south of Peru shall have had a decisive battle, so as to show that one or the other is clearly victorious on land, I see nothing which can be done here in the desired direction. I hope you will watch matters in Chili as relates to these questions and keep me posted.

I am, &c.,

I. P. CHRISTIANCY.

No. 263.

Mr. Christiancy to Mr. Evarts.

No. 173.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 7, 1880. (Received July 2.)

SIR: Referring to my dispatch No. 165, in relation to the progress of the war, I have to say: 1st, in relation to the blockade of Callao and Ancon, that it has been effectual as a blockade, but that several bombardments of Callao have since been made by the Chilian fleet with little effect and no decisive results; the damage done to the town and Peruvian shipping not amounting to one-tenth the cost of the ammunition expended by the Chilian fleet.

Many attempts have been made by both sides with torpedoes, but all have been utter failures so far as relates to the blowing up of vessels. Yet the fear of them had evidently operated to keep the blockading squadrons at this and other ports at a respectful distance, especially at night. There have been several encounters of the torpedo launches in the bay of Callao at night, none of which was of much importance, except that of the night of the 24th May, in which the Chilians suffered most, losing their steel torpedo launch, the best in their service, which cost from $125,000 to $150,000, and was of greater capacity than any of the Peruvian or any other of the Chilian launches.

I send you the official report of this transaction from Lieutenant Galvez, the hero of the occasion, as published in the South Pacific Times. If it is not entirely intelligible, it is probably owing to the fact that the transaction itself was somewhat confused, even to the actors themselves. (See South Pacific Times, of June 4, inclosed, article marked $\frac{1}{1}\frac{1}{7}\frac{1}{1}$.)

So much for the naval operations.

On land. For many weeks we were without any reliable news of importance. For some two months the hostile armies appeared to be playing what the French call *cache-cache*, hiding from each other, till finally the allied forces, with the exception of 3,000 to 4,000 men at Arequipa, under Colonel Leiva, took up their position at Tacna; and the Chilians, after several times changing their base on the coast and their position in the interior, owing, it is supposed, to the difficulty of transporting their artillery and stores, concentrated their forces at or near Sama, and moved upon Tacna in force.

As far as the facts can be ascertained, almost all of which came from Chilian sources, and mostly unofficial, an affair of outposts took place near Tacna, on the 25th May, in which the Chilians had the advantage. On the 26th the battle became general, and was continued into the 27th, when the allied forces were driven from their positions and from the town of Tacna, and the Chilian forces took possession of the town, the

allies retreating and taking up a strong position at Palca. (See the map inclosed, made by my clerk, who is familiar with that region, and has given the names and positions of several of the places not found on any general map.*)

The first intelligence we received here of the above transaction was June 1, when the small Chilian steamer Tolten arrived and communicated with the Chilian fleet, and the only dispatch the steamer brought was "Tacna taken; Campero prisoner."

On the 5th instant the English man-of-war Ganet arrived here, having left Arica on the 2d instant, and the only entirely reliable news she brings is the following sent me by Captain George Brown, of the United States steam frigate Alaska.

At Arica all that was known on the 2d, when she left, was that the Chilians occupied Tacna on the 27th ultimo, after two days' fighting, and drove the Peruvians into the hills and beyond the point where the water supply could possibly be cut off.

There are only 1,500 Peruvian troops in Arica: off the port are three Chilian transports loaded with troops and supplies; also two men-of-war.

By various reports since heard from Peruvian, and some from Chilian sources, it is left in great doubt whether Campero was wounded or taken prisoner; it is reported that Montero was the general wounded, and not taken prisoner. It is also reported, and generally believed here, that Colonel Leiva, with 3,000 or 4,000 men from Arequipa, was at Ilabaya or Sama on his way to join the main body of the allies at Pachia, but how much of this is reliable it is at present impossible to say.

What is reliable among all the contradictory reports is: 1st. That the allies suffered a defeat at Tacna; that they have fallen back towards the Bolivian frontier, having lost 8 pieces of cannon and several Gatlings, a loss which cannot be supplied. 2d. That both parties fought well, and the contest was sanguinary, but that the Chilians, by superiority of number and superior artillery and cavalry, triumphed. 3d. That a part of the Chilian army his been sent to attack Arica from the land side, while the Peruvians have not over 1,500 men and some 14 heavy guns, formerly directed to the seaport, now turned to the interior to defend the town; and the probability is that the next steamer from the south will bring the news of the capture of Arica.

It has been currently reported, and the foreign ministers here generally believe the report, that as soon as the Chilians should be clearly victorious on land in the south they would propose terms of peace, but this has not yet been done, and the government here do not yet consider the disasters in the south at all decisive; and the spirit of the people here, and of the supreme chief who represents them, is such that it is felt to be useless to propose to them negotiations for peace until they recognize the utter hopelessness of continuing the contest. All the representatives of foreign powers here are, so far as I can judge, as anxious for peace as I am.

My relations are entirely cordial with the supreme chief; and should Arica be taken, as seems now probable, and should the Chilians then offer terms of peace, I shall venture to make to him such suggestions to this end as I think just and advisable under all the circumstances of the case; but I do not intend to go further than to suggest. I will not take upon myself the responsibility of advising, as this might be looked upon as officious. Chili, I am satisfied, wants peace as well as Peru; but the great obstacle, in my opinion, is likely to be the exorbitant demands of Chili, flushed with victory by land and by sea. But I think

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* The map referred to is omitted from the present publication.

there will be quite a general concurrence of all the foreign representatives here to aid in moderating such demands; and if the effort of negotiation shall once take the shape of a proposition from either party there would be good ground for believing that a proper result might be reached.

The first step would naturally be an armistice. The Chilians would probably demand, in the first instance, the whole province of Tarapaca, but this might, in the progress of negotiation, come down to a proposition for a pecuniary indemnity for the expenses of the war, with a claim by Chili to hold the province as a security for the indemnity until it should be paid, &c. But if the principle of indemnity can be once agreed upon, and perhaps the original question of boundary, the foundation is laid for arbitration; and from what I know of the disposition of this government, and believe of that of Bolivia, as well as what Mr. Osborn writes of the disposition of Chili, I think the United States would be selected as the arbitrator. Complications may arise as to Bolivia, and for this reason it is particularly unfortunate that Mr. Adams has not yet arrived. But I hope for his arrival by the next steamer.

No effort of mine shall be wanting to bring about a peace. But I have great fears that this government, embittered as it is by defeat, may refuse any terms. Chili cannot conquer Peru, though she may financially ruin her, and this is not in the interest of any nation represented here.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1 in No. 173.—From the South Pacific Times, June 4, 1880.]

THE ENGAGEMENT BETWEEN THE PERUVIAN AND CHILIAN LAUNCHES.

(Official report.)

The following is a translation of the official report of Lieutenant Galvez of the engagement between the Peruvian launch Independencia and two Chilian launches on the night of 24th ultimo, already alluded to:

LIMA, *May* 29, 1880.

To the Captain of the Navy, Chief of the Staff of the Department:

In compliance with my duty I have to advise you of the occurrences during the night of the 24th ultimo, when I was fulfilling the commission confided to me by your department, which had placed under my orders the steam-launch Independencia.

At 11 p. m. I took command of the launch, having under my orders the midshipman San Martin and thirteen men, consisting of engineers, firemen, the coxswain and seamen; the doctor, Don Manuel Ugarte, also embarked, having obtained permission to accompany me on the expedition.

From 11 p. m. until 2 a. m. nothing extraordinary occurred, and having carried out the orders I had received I was about to return, when I observed that a Chilian launch was advancing from the point of the island to the anchorage of the neutral vessels.

As was my duty I went to meet her and fired at her four shots from our cannon. Unfortunately the ring-bolts gave way and the gun was rendered useless.

The Chilian launch, of far better speed than ours, placed herself out of our reach, and I then gave orders to retire. A few moments afterwards I saw the launch I had chased, accompanied by a larger one with two funnels, was coming towards me to cut off my retreat.

The greater speed of these launches enabled them to effect their object, and in a few moments they were within musket shot. I gave orders immediately to fire from our Gatling gun and the muskets we had, but another accident happened: the Gatling gun got out of order, and I found myself without the means of attack against the enemy, who was much stronger, and who was now rapidly advancing.

I had with me in the launch a torpedo loaded with 100 pounds of common powder, and

without loss of time, and assisted by Señor Ugarte, I fired the fuse, using for this purpose the flame of the lamp, and so held the torpedo until the bow of the Chilian launches touched our stern. Señor Ugarte and myself threw the torpedo on the deck of the enemy's launch, but as it occurred to me that the five-minute fuse might allow them time to cut it or throw the torpedo overboard, and thus frustrate my project of blowing them up, I fired at the torpedo with the arm I had, causing it to explode at the second shot. Señor Ugarte and myself were thrown by the explosion to the bottom of our launch, and, although I remained stunned with the blow, I felt that the enemy was firing upon us with his Gatling guns. In a few moments the water inundated the Independencia, and as I felt she was going down I tried to get rid of my great-coat and muffler; in this I was assisted by the seaman, Pablo Villanueva, who had suffered a slight contusion; alone it would have been impossible for me to do so. The Independencia was going down, taking us with her, but fortunately for me as soon as she touched the bottom I made an effort to save myself and reached the surface, when a few moments afterwards I was taken prisoner by a Chilian boat.

With my face and hands burnt by the explosion of the torpedo, blind, and almost deaf in the first moments, and much bruised by my fall, I scarcely know what happened to me.

I was taken to the Blanco Encalada, and removed from her the same morning to the Keelder Castle, having received in both vessels the assistance which my condition required.

Among the Chilians who spoke with me I found Lieutenant Señoret, who informed me that the launch which he commanded had sunk, together with ours, but more fortunate than myself, he had only received a slight wound on the arm.

I cannot give you any exact account of the damages caused to the enemy, but on our part I feel certain that we have to deplore the loss of the intrepid Señor Ugarte, the midshipman, San Martin, and some others, because at the bottom of the Independencia I felt three bodies close to me when she went down.

It is my duty to recommend to the supreme government the good behavior of the crew of the Independencia; they all did their duty, especially Dr. Ugarte, who distinguished himself and did not hesitate to sacrifice his life in assisting me to throw the torpedo which destroyed the Chilian launch and our own, rather than allow the latter to be taken or destroyed by the enemy. I have also to recommend the seaman, Pablo Villanueva, who, at the moment when the Independencia was sinking and when we were completely under the fire of the enemy, their launches being much higher out of the water than ours, offered to sacrifice himself with me, and assisted to save my life.

Your honor will please to bring to the knowledge of the supreme government this report. There remains to me the satisfaction of having done on my part all that I could in obedience to my duty as an officer and a citizen.

May God have you in his keeping.

Not being able to sign, in consequence of my wounds, my brother, Don Justiniano A. Galvez, does so at my request.

For José Galvez, second lieutenant of the monitor Atahualpa.

JUSTINIANO A. GALVEZ.

No. 264.

Mr. Christiancy to Mr. Evarts.

[Confidential.]

No. 175.] LEGATION OF THE UNITED STATES,
LIMA, PERU, *June* 10, 1880. (Received July 29.)

SIR: I have the honor to inclose to you the copy of a confidential letter of Mr. Osborn, our minister to Chili, dated May 21, in reference to our consul at Iquique. Also copy of my letter of to-day to Mr. Merriam, the consul.

Also copy of my letter to Mr. Osborn in reference to same, of this date.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1 in No. 175.]

Mr. Osborn to Mr. Christiancy.

[Confidential.]

LEGATION OF THE UNITED STATES,
Santiago, Chili, May 21, 1880.

SIR: The mail which leaves Valparaiso to-morrow will close here in a few minutes and I must therefore make my communication quite brief.

I have just returned from a conference with the minister of foreign relations, wherein, among other subjects, was discussed some proceedings of our consul at Iquique, Dr. Merriam.

While I was at Iquique in April, Dr. Merriam informed me of the talk which he had had with Captain Lynch, the Chilian military officer in charge, in which Captain L. had intimated that he (Merriam) was not properly observing his obligations as a neutral official, and had suggested that it might become necessary, in a certain contingency, to send him out of the district. At Dr. Merriam's suggestion I conversed with Captain Lynch in regard to the matter, and in the course of our talk I requested him, if he had any complaints to make of the doctor, to correspond with his government at Santiago on the subject. Knowing well of the strong sympathies of Merriam for Peru, a fact which was not at all singular in view of all the circumstances, I took occasion to caution him regarding his course and especially against the transmission of correspondence, by virtue of his privilege, to or for the enemy. He answered me that nothing of the kind had been done by him, and promised me faithfully that it should not. Captain Lynch, however, was quite confident that the consulate had been used for the purpose of carrying on a correspondence in the interest of the Peruvian Government. In view of the promises and assurances made me by Merriam—voluntary of course, for I asked him for none—you can judge of my astonishment to-day at being told by the minister that the government had positive evidence that our consulate in Iquique was being used as had been charged.

I intimated that I had doubt in regard to it, when he produced an envelope (which had been inclosed in another addressed to Merriam, as consul) directed to the minister of war at Lima, and containing official communications from General Montero. I saw the direction on the envelope and the message which it contained, and know that there can be no mistake about it. They assure me that it was forwarded from Arica under cover to Merriam as consul, but how they got possession of it I did not learn.

There are some troops at Iquique, and I fear that if this should become known, Merriam's life there would not be safe. I think he ought to leave there, and that some other person should be named to take temporary charge of the consulate. If you should see fit to make an appointment there for temporary purposes, I do not doubt that the Chilian officials would recognize it. There are two Americans in Iquique by the names of Holcomb and one whose name I have forgotten, living with Dr. Watrous or Walters. Either of them is perfectly competent and either would, I judge, take charge of the consulate if asked by you.

Very truly, yours,

THOMAS A. OSBORN.

[Inclosure No. 2 in No. 175.]

Mr. Christiancy to Mr. Merriam.

[Confidential.]

LEGATION OF THE UNITED STATES,
Lima, Peru, June 10, 1880.

DEAR SIR: I have just received a letter from Mr. Osborn, our minister at Santiago, in which he says the Chilian minister of foreign relations, complains that your consulate is being used for the transmission of correspondence to the Peruvian Government, and that the minister produced to him (Osborn) an envelope which had been inclosed in another addressed to you as consul, directed to the minister of war at Lima, and containing official communication from General Montero. Mr. Osborn thinks that your life will not be safe in Iquique, when this is known there. Unless, therefore, you can explain this to the authorities there in such manner as to show that you had been imposed upon, and unconsciously sent this correspondence, I think it would be wise for you to avail yourself of the first safe opportunity to come up to Lima or some other place in the north until the present war is closed.

Our consuls, and even our ministers may sometimes be imposed upon in such matters, but we must not knowingly transmit letters or communications for either belligerent. We must preserve strict neutrality.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 3 in No. 175.]

Mr. Christiancy to Mr. Osborn.

[Private and confidential.]

LEGATION OF THE UNITED STATES,
Lima, Peru, June 10, 1880.

SIR: I received your confidential letter of May 21, in reference to our consul at Iquique, and his forwarding letters from Peruvian officers to the Government of Lima.

I inclose you the copy of a letter I have written this day to Mr. Merriam, our consul at Iquique.

I do not think the case one in which I ought to make any appointment to fill his place, even if he should resign. He is accredited only to Peru and holds only the exequatur of that government. And Iquique being in the full possession of Chili for the present, it is only matter of grace and favor from both governments that he could exercise the duties of a consul there, and so it would be with any successor while things remain as they are. I will write the Secretary of State and let him act his pleasure in the matter.

I have, &c.,

I. P. CHRISTIANCY.

No. 265.

Mr. Christiancy to Mr. Evarts.

No. 177.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 13, 1880. (Received July 29.)

SIR: Referring to my dispatch No. 173 of June 7th, on the progress of the war and the question of peace, I have now to say that nothing of importance has since occurred at Callao or Ancon—no further attempt at bombardment.

But in the south the news since received here shows that the defeat of the allies at Tacna was more crushing and decisive than appeared from the first reports. At the time of my dispatch No. 173 of June 7, it was reported and believed here that Montero had fallen back to Pachia or Palca with some 4,000 men, but it now appears he fell back to Tarata, and that he can muster there only some 1,500 and that the Bolivian force (amount not known) are on their way back to Bolivia, their commander reporting that they go to raise more Bolivian forces to renew the contest.

It also now appears that the Bolivian general, Campero, provisional president of Bolivia (who was commander-in-chief of the allied forces), on the eve of the contest, May 25, resigned, both as provisional president of Bolivia and as commander-in-chief of the allied forces, placing himself and Bolivian forces under the orders of the Peruvian general, Montero. But it seems from a report received here from General Montero that he did not accept the resignation, and that Campero continued as commander-in-chief during the battle, at least.

We have no intelligence yet of Colonel Leiva, with the Peruvian force from Arequipa, having formed a junction with Montero, so that the Chilians may now be said to be practically in full possession of all Tara-

paca and so much of the Department of Moquegua, as lies south of about 17½ degrees south latitude.

It would also seem that a large part, if not the main body of the Chilian army (we have no account of their numbers) were turned back from Tacna, after the victory there, and attacked and took Arica from the land side by assault, on tne 7th June, taking all the Peruvian forces there prisoners, except those killed in the assault; and that the Peruvian monitor, Manco Capac, finding herself without support and being attacked from the land side, as well as by the Chilian fleet, was sunk by her officers with several launches, and that the officers and crew are prisoners on the Chilian fleet.

I inclose you translation: 1st, of the Chilian account of the capture of Arica; and, 2d, an account of the same from a neutral source. These being matter of detail, I do not send same in Spanish, as I have stated above the general result.

I also send you a translation of the report of General Montero just received here.

From such results it would certainly seem to disinterested observers that "the end cometh," or ought to come soon. And I know it is the common opinion of all the representatives of neutral nations now at Lima, and of the neutral naval officers here, that Peru, if guided by wise counsels, must accept any reasonable terms of peace which may be offered by Chili, for, though Peru has now he re at Lima and Callao an army of from 20,000 to 22,000 men, well armed and equipped, and might, and probably would, succeed in repelling any land force which Chili could bring here, yet Chili, having full command of the sea, may transport her army to any part of the Peruvian coast, and her fleet may make a permanent conquest of all the insular possessions of Peru, and even capture much more of the mainland, it being impossible for Peru to transport troops and munitions of war by land in time to meet such force, owing to the nature of the country.

In view of the present situation, I ventured, yesterday, to call upon the supreme chief, and in a confidential conference I explained to him that, from what I had heard from various sources (unofficial), I thought it quite probable that the Chilian Government, having now gained a decisive advantage by land in the south, would offer terms of peace, which would probably be sent through some member of the diplomatic corps here, and that, should such an event take place, while I would not venture to advise him, he would, I knew, permit me to suggest for his consideration, whether the present condition of affairs did not render it for the interest of Peru to receive and consider such proposition, and whether, if the war was continued, he could expect as favorable terms as at present; that the propositions which might in the first place be made by Chili, now flushed with victory, might be exorbitant, yet, if negotiations were once entered upon, counter-propositions might be made and answered, and perhaps reasonable terms (under all the circumstances) might in the end be reached; that to this end a great point would be gained if an armistice could be agreed upon, and negotiations fairly opened, &c.

He was already aware of the position of our government, and I intimated to him again that if at any time the combatants should indicate a desire for its good offices in bringing about a peace, they would be readily given; that I did not ask him for an immediate answer to these suggestions, but only threw them out for his consideration, &c., and if

at any time he thought I could, in any legitimate way, contribute to a peaceable solution, he had only to let me know.

He received my suggestions in the kindest manner, and, though he did not say so in so many words, I thought I could perceive by his manner that he would be glad to secure peace on any reasonable terms, and would feel grateful to our government for any effort which might lead to such a result.

I am, in common with the rest of the diplomatic corps here, daily expecting some proposition from Chili for peace, as she is now in a condition to make such proposal; and should it be made, however extravagant it might be, I have hopes that it would, through the influence of the representatives of friendly nations, both here and at Santiago, be in the end modified down to such reasonable limits that Peru could accept without too much humiliation.

But Peru is not in a condition now to *offer* terms, only to *receive* them; and, if Chili should not make any proffer of peace, I think the contest will continue for some time.

All the neutral nations (except possibly Ecuador, the Argentine Republic, and Brazil) have a common interest in putting an end to this war. None of them want to make any conquests or to gain territory here, but all seek commercial advantages only. And even England, whose people haye been somewhat partial to Chili in this war, and to whom Chili may also feel a partiality, would, on commercial grounds, be quite as much interested in the commerce of Peru as in that of Chili, unless indeed Chili should conquer so large a part of Peru as to make her commerce of more importance than that of Peru, which, however, is not so at present.

I hold myself ready to take any step, and to go anywhere, in the interest of peace.

A few days, or, at most, a few weeks will probably determine whether any effectual steps can be taken in that direction.

JUNE 14.

I have just time to add that, at the instance of Mr. de Vorges, the French minister, a meeting of the diplomatic corps was held to-day, for consultation upon the present state of things, the result of which was that the dean of the corps (Mr. Pinto, envoy extraordinary and minister plenipotentiary of Salvador) was requested to see the supreme chief, and assure him that if Chili should make a proposition for peace, all were ready to afford him their good offices to that end.

But it is now rumored (as coming from the Chilian admiral in the Bay of Callao) that the popular feeling in Chili is so strong against Peru that the Chilian Government dare not propose terms of peace as they intended. I give this as a rumor only.

General Adams, minister to Bolivia, has just arrived here, and attended the conference with me.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1 in No. 177.—Translation.—From the newspaper "el 21 de Mayo," Chilian source.]

THE CAPTURE OF ARICA.

IQUIQUE, *June* 8.

Arica was attacked yesterday at daylight.

The third of the line opened fire upon the citadel, where the Peruvian forces were concentrated. The citadel was taken at the point of the bayonet; there were found 450 of the enemy killed and the remainder taken prisoners.

The fourth of the line commanded by its second chief, the gallant St. Martin, attacked the fortress called the Morro, which was likewise taken at the point of the bayonet, where were found killed Commanders Moore and Bolognese, Peruvian commanders of the place. At 7.30 a. m. the officers of the Manco-Capac, seeing that the forts were lost to them, sunk their vessel in 12 fathoms of water; they did the same with the steam-launches. It is believed all this can be saved.

The Peruvians blew up two of their forts with dynamite.

The enemy's loss is 700 killed, 100 wounded, and 600 prisoners. The rest of their forces could not escape, the retreat being closed by our cavalry.

The national flag waved over all the ports at 8.30 a. m.

[Inclosure No. 2 in No. 177.]

Neutral letter.

ARICA, *June 7.*

On the morning of the 5th the Chilians sent a flag of truce, intimating the surrender of the place, to which the commander-general answered that it was his intention, and that of his officers, to resist with all his might, and to fulfill their duty.

Much courtesy was displayed on both sides.

Then the artillery opened fire and continued doing so during the 5th and 6th. This last day the vessels of war took part in the combat, keeping at apparent and safe distance from the forts.

The neutral vessels, having refugees on board, retired some five miles.

This morning (7th) at break of day the Chilians attacked the forts on land, as well as those defending the port.

After a serious resistance the two eastern forts were taken, and a struggle took place to capture the Morro, which was finally accomplished at 7.30 a. m.

The Peruvians blew up the three forts of the port and sunk the Manco Capac.

The vessels did not enter into combat to-day; the captain and crew of the monitor took to their boats. They were all taken prisoners by the Itata, where Commander Logomarcino is also to be found.

The Cochrane received a shot on the 6th, which killed 26 men. The Covadonga received three shots.

[Inclosure No. 3 in No. 177.—Translation.]

GENERAL-IN-CHIEF OF THE FIRST ARMY OF THE SOUTH.

TARÀTA, *May* 29, 1880.

To the Secretary of War:

In fulfillment of a painful duty which cannot be avoided, I communicate to your excellency the result of our combat on the 25th instant with the Chilian army, having no intelligence up to this moment from the commandant generals of our first army of the south.

By order of the commander-in-chief I took command of the right flank of the allied army; the left flank was assigned to Colonel Eleodoro Camacho.

The artillery opened fire at 7.30 a. m. until 11 a. m., when that of the musketry began. The enemy's fire was directed mostly towards the left flank, for which reason the commander-in-chief sent to me for reinforcement, which order I immediately complied with, sending the Bolivian battalions, Alianza and Aroma, under my command. Soon after sending these the fire became general. The commander-in-chief asked for more force to guard the left flank, and without hesitating I sent battalion Second Provisional of Lima. The commander-in-chief will, I hope, justly appreciate the gallant behavior of this distinguished corps.

The reinforcement sent to the left flank deprived me completely of the reserve force.

And without any other force than that of the front line, we resisted the double attack of the enemy by the flank and rear, until our brave soldiers were obliged to retreat towards Tacna, in order to renew the combat there, owing to the immense number of the enemy.

Being persuaded that my plan had failed, I left Tacna after 5 p. m., retreating as slowly as was necessary to give vigor to our soldiers and be ready to fight again, in case of being pursued.

In the allied army there were troops of both republics, those of Bolivia following the road by San Francisco, while ours followed the road towards the place from where I write and am now engaged in its reorganization.

The unfortunate result of the combat of the 25th is owed merely to the excessive number of the enemy, and not to the bad quality of our men. It is so certain that our troops fought gallantly, that out of 12 battalions under my command, 6 commanding officers and one commander-general have been killed, whose names will be retained with pride in the history of our country.

Besides this serious loss, we have to lament that of many subordinate officers, not taking in account the large number of wounded, which list will be forwarded to your excellency as soon as the commanding generals send in their report to Colonel Velarde, chief of the staff.

The necessity of leaving forces in Arica, in order to defend it, disabled me from presenting more than 8,000 men against 20,000 of the enemy, and before that immense superiority of number the gallantry of our troops was as useless for success as the manly enthusiasm shown in those supreme moments by the heroic citizens of Tacna.

If the result of this combat has not met our hopes, it has again proved that our army is not deficient in enthusiasm and courage; my mind influenced by the sorrowful impression of the unexpected disaster, my confidence revives, considering how common amongst us magnanimous and grand deeds are done.

If this war be continued, as I hope it will be, it will assure us the final triumph, if we avail ourselves as we ought to of the merit and spirit of our troops, and of the teaching of bitter experience. Republics like Peru are neither annihilated nor subdued by a partial defeat, which should and ought to bring forth the ultimate victory over the enemy.

Be your excellency pleased to bring to the knowledge of his excellency the supreme chief, this brief report, assuring him at the same time the pain and grief caused to the Peruvian army by the death of General G. M. Perez, chief of staff of the allied army, and the mortal wound of Colonel Eleodoro Camacho, commander-in-chief of the Bolivian army.

God guard your excellency.

L. MONTERO.

No. 266.

Mr. Christiancy to Mr. Evarts.

No. 178.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 19, 1880. (Received July 29.)

SIR: Referring to my dispatch No. 117, on the progress of the war and the prospects of peace, I have to say that no conflict of arms has since taken place, either by sea or land, so far as known here. But on the 17th instant notice was given by the Chilian admiral of the blockade of Chancay, some 18 miles north of Ancon, and that 48 hours only were given for neutral vessels to quit the port.

There was, however, an American vessel, the Spartan, Captain Crossley, in that port, who represented to me that he could not get on board the necessary ballast in that short time; and there was also an English vessel in a like situation. I therefore suggested to Captain Brown, of the Alaska, that it might be well for him to see the Chilian admiral on the subject, which he did yesterday and obtained three additional days' time for the purpose, for the benefit of all the neutral vessels in that port.

I may, I hope, properly add here that Captain Brown is very highly appreciated by the officers of all the neutral naval vessels here.

From all the information which has yet reached here though unofficial (a part of it comes, however, from * * , verbally reported by him to the officers of the last English mail steamer from the south), but generally believed here by the foreign legations, as well as by the public at large, the Chilian soldiery committed the most cruel excesses

at Arica, upon the capture of that town, killing and robbing indiscriminately all the people they met in the streets and houses of the place, and behaving more like a band of roving savages than like a regularly organized soldiery of a civilized nation, and though they, in a modified sense, respected our flag, so far as our consular agent was concerned, not taking the liberty to kill him, yet that they completely stripped him of his personal property, taking even his clothing.

Such are the reports, the truth of which, however, I cannot vouch for. The consular agent has not yet written me, or rather I have *received nothing* from him. Some allowance, doubtless, must be made for the license of the soldiery in a place taken by storm. But their conduct seems, so far as property was concerned, to have been the same as at the taking of Mollendo, when there was no resistance and no opposing military force.

For the question of peace, I refer you to my next dispatch No. 179.

I have, &c.,

I. P. CHRISTIANCY.

No. 267.

Mr. Christiancy to Mr. Evarts.

No. 179.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 20, 1880. (Received July 29.)

SIR: Referring to my dispatch No. 177, upon the progress of the war and the question of peace, I have now to inform you that on the 14th instant (the day after the dean of the diplomatic corps and the French minister had called upon the supreme chief in the name of the corps, as stated at the close of my dispatch No. 177), there appeared in the Patria and in El Peruano the address or proclamation of the supreme chief to the nation, a copy of which I here inclose, marked, with a translation from the South Pacific Times.

On the 16th instant appeared in the Patria (official paper) the "Protocol of the preliminary bases of the federal union of Peru and Bolivia," a copy of which, with the translation, I here inclose. Also the "Supplementary protocol of the preliminary bases of the union of Peru and Bolivia," of which I inclose copy, with a translation.

The proclamation is substantially in accord with the answer given by the supreme chief in person to the dean of the diplomatic corps and the French minister the day before. And those best acquainted with the supreme chief, and his personal characteristics, seem generally to believe that he spoke his real sentiments in that proclamation, and that he relies much for his future success upon the arrangement for a federal union with Bolivia, which, though not to take effect until December, 1880, it is quite generally believed will prevent further danger from the intrigues of Chili, to detach Bolivia from the Peruvian alliance, and to aid in partitioning the southern portion of Peru; and it is the general opinion among the best informed Peruvians and foreigners here that such federal union, if carried into effect, will be highly and permanently beneficial to both Peru and Bolivia, though, in the mean time, revolutions may take place in Peru, and especially in Bolivia, which may prevent the union, but it is believed the general public opinion in Bolivia and Peru is and will remain in favor of the union, and such is my impression from the best information I can obtain.

The effect of the publication of these protocols has been to raise the market value of the paper currency here, which had fallen to 5 pence per sol, in exchange on London, and which is now freely granted by English houses here at the rate of $6\frac{1}{4}$ pence per sol.

On the other hand it is easy to see that the bold and defiant tone of the proclamation may be susceptible of an interpretation consistent with and even favorable to peace. The supreme chief may have realized the fact that he would not be likely to obtain reasonable terms of peace by showing any evidence of despondency or want of confidence in the ability of Peru to retrieve the calamities of the war, and to snatch victory from defeat. He may have deliberately concluded that the best mode of procuring fair terms of peace from Chili was to show a bold and defiant front.

If the first interpretation of the intent of his proclamation be correct, I see no prospect of peace for the next year at least; if the second be the correct interpretation, then much, if not all, will depend upon the question whether Chili will now offer terms of peace. She is now in a position to do so without national humiliation, while Peru is not; and I think the war will continue indefinitely, or until Peru should be effectually conquered, before *she* will beg for a peace under defeat.

But if Chili should now make an offer of peace, though her terms might, at first, be extravagant, if negotiations could once be opened, I have still strong hopes that by counter-propositions and further negotiations with the influence of the diplomatic corps here and at Santiago, the terms could be so modified that Peru might accept them; but this is matter of opinion only, in which I may be mistaken.

In the mean time, I, in common with the diplomatic corps here, am still expecting some proposition of peace from Chili. If Chili makes no such offer, I have no definite opinion when or how the war is likely to end. I shall carefully bear in mind your instructions in reference to the means and the manner of bringing about a peace.

I have, &c.

I. P. CHRISTIANCY.

[Inclosure 1 in No. 179.]

[From The South Pacific Times, June 15, 1880.]*

The Supreme Chief to the Nation:

FELLOW CITIZENS: Our patriotism has just received a rude shock. The unexpected check sustained by our first army of the south, brought about by a series of errors, and which can only be explained by the impatience of our army to meet the enemy, has given to the latter, at great cost, the useless occupation of Tacna and Arica, after a most heroic and memorable resistance.

A people bold and firm, who feel that they deserve to triumph, receive with pride, as does Peru, those checks, which only dishearten the weak.

It is well! By the pain with which we count our victims will be forged the sword of justice with which we shall repel our invaders. The blood shed claims vengeance, and shall have it, ample and complete. The example of our martyrs makes soldiers spring up by thousands, and there is not in Peru one who does not feel proud of them. Chili, conqueror, will find its conquests very dear. Peru to-day is to be feared a hundred times more by Chili than at the commencement of the campaign, and recovers in mistortune the strength forgotten in the days of confidence and tranquillity.

Chili does not understand, cannot understand, what to a generous and high-spirited people means hearths trampled under foot, the blood of its sons shed, and the majesty of the nation outraged by those who should tremble at its anger; and judging us by themselves, they have dreamt that they could obtain the peace they covet, in order not to succumb to our inevitable and legitimate triumph.

Yesterday Chili dreamt also in our intestine struggles, but Peru and Bolivia have to-day only one voice, one thought. Chili sought to destroy the alliance, and all that she has reaped is the making of two peoples one only. She attempts to hem us in by a blockade, but will only hasten the solution of our internal questions, and by so doing enable us to recover that strength which to-morrow she will look upon affrighted.

Chili is building up day by day with her ephemeral successes her own ruin, and by each of her costly blows wastes the strength which might be able to resist us at a future time. Our resources are untouched, but theirs are coming to an end. They are living on what they borrow, to their own ruin and to the undeceiving of the deluded persons who discount their barren triumphs. They have played in Tacna a stroke of fortune which is utterly useless to them, which prostrates them and makes us arise more vigorous and determined than before.

Let them burn; let them efface our undefended towns on the coast; let them lay waste our fields, if they can. We are determined to all, save the renouncing the vindication of our right, the ceding one inch of our soil, the asking from us, to save themselves a peace, which they will never be able to force upon us.

Fellow countrymen, you have confided to me the recovery of our national rights trampled under foot without even a pretext. My task, therefore, is to seek the recovery of our rights without rest, seek it at any cost, seek it until it be obtained. Behind me stand six million men. And when I fall, fortune, which may deny to me the being present at the triumph of my country, will not deny me, I trust, the right to die in its defense, secure of victory.

Justice is with us. Victory has never been denied to those who, fighting for their home and country, become worthy of them by their determination and self-sacrifice.

Lima, June 13, 1880.

N. DE PIÉROLA.

[Inclosure 2 in No. 179.—Translation.]

Protocol of the preliminary bases of the federal union of Peru and Bolivia.

In Lima, capital of the Republic of Peru, on the 11th day of June, in the year 1880, the undersigned plenipotentiaries of Peru and Bolivia, having met in the hall of public audience of the secretary of foreign relations and worship, and after having exhibited to one another their respective powers and found the same to be sufficient and in due form to proceed to stipulate and agree upon that which may the better tend toward the object of drawing closer the bonds of fraternity which nature and historical events have created between the two republics; of consolidating their domestic peace and providing for their security abroad; of assuring the general welfare of their inhabitants, and extending the blessings of independence and liberty to the present and future generations; of promoting, likewise, that prosperty and greatness to which, by a common destiny, the rich and beautiful regions embraced in their vast territories are called, in conformity to the aspirations generally manifested by public opinion in the two countries, respecting the necessities of adopting a new political organization which, modifying their present internal constitution and uniting at the same time their power and resources in one sole nationality, may fully and efficiently bring about these ends; agreed in the name of their governments, and in order that they may previously be submitted to the approval of the people of Peru and of Bolivia, upon the following bases of union of the two countries:

I. Peru and Bolivia shall become a single nation called the *Peru-Bolivian United States.* This union is based upon American public law, and is formed to confirm the independence, the inviolability, the internal tranquillity, and external security of the states embraced therein, and to promote their development and prosperity.

II. The present departments of each of the two republics, saving such modifications as may be sanctioned by the constitutional assembly, shall be formed into independent states, having their own institutions and laws, not to conflict, however, with the constitution or laws of the union. Nevertheless, the departments of Tacna and of Oruro, of Potosi and Tarapaca shall form the states denominated *Tacna of Oruro* and *Potosi of Tarapaca.* The regions of the "Chaco" and of the "Beni" in Bolivia, and that called the "Montania" in Peru, as well as other territories which may exist in analogous conditions, shall form federal districts, subject to special legislation, and to the direct control of the government of the union.

III. The states shall constitute their sovereignty according to the principles of the republican representative system, to the declarations and guarantees of the national constitution, and to those laws of the union which assume to them the administration of justice, the municipal organization, primary education, and material progress, all to be supported out of their own resources.

IV. The union of the States is indissoluble, consequently no state can separate itself therefrom.

V. The states are equal in rights. That of citizenship is common to them all.

VI. No new state can be formed within the territory of another or others, nor can one be formed of two or more, without the vote of the legislatures of each of the states interested, and the sanction of the national Congress, given in two sessions, with entirely renewed personality of voters.

VII. The states cannot make treaties, one with another, save for the furthering of the administration of justice, of ecomonic interests or works of common utility, with the consent of the national Congress. They do not enjoy the right of asylum with respect to one another.

VIII. The states do not exercise the power delegated to the nation. Consequently they cannot represent it before other powers. Nor can they make laws concerning foreign commerce or navigation, nor establish custom-houses; nor coin money; nor charter banks of issue without the permission of the general government; nor alter the codes which Congress may sanction for the union; nor make laws regarding citizenship or naturalization, nor fit out ships of war or raise armies, save in case of invasion or imminent danger from abroad, giving in such case immediate notice to the national government.

IX. No state can declare or make war on another. Their complaints shall be submitted to the judgment and decision of the supreme federal court. Any act of hostility shall be deemed an act of civil war, which it is the duty of the national government to quell and suppress in the exercise of its attributes.

X. The governors of the states are the natural agents of the national government, to exact compliance with the constitution and laws of the union.

XI. It is obligatory upon the states to furnish the quota of troops corresponding to them, to form the national army in time of peace or war.

XII. The national government shall be vested in the legislative, executive, and judicial powers of the union.

XIII. A Congress, composed of two chambers, one of National Deputies, and the other of state senators, shall exercise the national legislative authority.

XIV. The Chamber of Deputies shall be composed of representatives elected directly by the citizens of the states, which shall be considered, for this purpose, as electorial districts, the number of such representatives being determined in proportion to the population. Their term of office shall be four years.

XV. The senate shall be composed of two senators from each state, elected by their several legislatures. Each senator shall have a vote, and their term of office shall be six years. The functions of the senate shall be permanent.

XVI. The national Congress shall meet, ordinarily, each year. Nevertheless, it may be convoked, extraordinarily, by the executive, and for determined objects.

XVII. The national executive authority shall be vested in a citizen, with the title of President of the Peru-Bolivian United States, assisted by ministers of state, and in case of the absence or impediment of the former, by a Vice-President who shall be the president of the Senate, and who shall have no vote save in case of a tie. The term of office for the President shall be for five years, and he shall not be eligible for reelection until after the lapse of a like period. The ministry shall be formed of citizens of the two united republics, at least during two presidential terms, consulting, as far as may be possible, equality of representation.

XVIII. The President of the union shall be elected by direct voting by the citizens of the States, according to their several laws; but each one shall vote for two citizens, one of whom shall be of the state and the other not. Should no citizen obtain an absolute majority of votes, the federal Congress shall choose from among the three who may have obtained the relative majority.

XIX. The judicial authority of the union shall be exercised by a supreme court of justice and by such special tribunals as Congress may establish for the nation.

XX. The duties and their limitations of the high powers of the union shall be fixed by the national constitution, according to the principles of this system of government, consecrated by the practice of those nations who have already adopted it.

XXI. The constitutional assembly shall designate the place within the territory which is to be the capital of the union, and which shall be under the immediate authority of the President of the United States.

XXII. The national government shall provide for the expenses of the union from the funds in the treasury, which shall be formed by the product of import and export duties, of the sale or rental of government lands, of the natural products of the soil, of the post-office department, of general indirect tax, and of such other resources as may be voted by the federal Congress. The tax upon incomes and local contributions belong to the treasuries of the States or municipalities.

XXIII. The national government shall not intervene in the territory of the States, except to cause the constitution and federal laws to be respected, and at the request

of their constituted authorities, to sustain or re-establish them, should they be threatened by invasion from another State, or deposed by sedition.

XXIV. Within the republic the circulation of merchandise produced or manufactured in the country, as well as that of the goods or merchandise which may have been dispatched through the custom-houses of the union, shall be free of duty. In this exemption are not included municipal taxes, the creation of which, however, must be submitted to the legislature of the State.

XXV. The vehicles, vessels, or animals carrying the articles mentioned in the preceding section, tools and materials for the construction of roads, river or telegraphic communication between the States, as well as the herds passing from the territory of one state to another, enjoy the exemption.

XXVI. The representation abroad of the union belongs exclusively to the federal executive, who will invite friendly nations to a revision of such treaties as they respectively may have celebrated with Peru and with Bolivia, in order to renew and unify the same.

XXVII. Peru and Bolivia owe nothing whatever to one another for account of the expenses which the war of both countries against Chili may have caused them up to the date of the union.

In witness whereof the undersigned plenipotentiaries, authorized *ad hoc* by their respective governments, signed and sealed the present protocol the day and date above written.

(In duplicate.)

PEDRO JOSÉ CALDERON,
Secretary of Foreign Affairs and Worship.
[L. S.]

Authorized *ad hoc.*

MELCHOR TERRAZAS,
Minister Plenipotentiary of Bolivia.
[L. S.]

Authorized *ad hoc.*
A true copy.

CALDERON.

[Inclosure 3 in No. 179.]

Protocol complementary of the preliminary bases of the federal union of Peru and Bolivia.

In Lima, capital of the Republic of Peru, the 11th day of June, in the year 1880, the undersigned plenipotentiaries having met in the hall of public audience of the department of foreign affairs and worship, with the object of completing the bases of the federal union of Peru and Bolivia, which they have stipulated and agreed upon under this same date, with other points of accessory or transient character, in order thus to obviate the obstacles which might arise to the more prompt and effectual realization of an act so important to both republics, agree upon the following:

I. The preliminary bases of union shall be submitted to the acceptance of the people of Peru and Bolivia, without which they shall be of no effect.

II. This acceptance, expressed in such form as circumstances may permit, shall moreover contain the declaration whether the establishing of the federal system shall be at once proceeded with or not.

III. In the affirmative event, and until the constitution and federal institutions by the constitutional assembly, which shall meet in the city of Arequipa on the 9th of December, 1881 (unless events arising from the war shall compel an anticipation or further delay, which shall be determined by a vote of the provisional Senate), there shall be a provisional federal system established upon the following bases:

First. The federal government shall be formed of the supreme chief of the two nations, one being the president and the other the vice-president of the union.

A popular election of the said magistrates being impossible in the initial condition of the union, and in view of the motives of availability, the first named office is assigned to the supreme chief of Peru, and the second to that of Bolivia.

Second. A provisional senate, composed of ten representatives designated by Peru and an equal number by Bolivia, shall undertake the drawing up of the constitution and organic laws of the union, especially the electoral law for deputies to the constitutional assembly, and shall act, likewise, as a consulting body for the central government.

Third. From this moment the custom-houses between Peru and Bolivia are abolished, and the political and economic union of both republics fully established.

Fourth. The provisional senate shall prepare drafts of federal laws upon post-offices and telegraphs, upon custom-houses, upon money and banking institutions, upon the

railroads of the union, upon the appropriations for the same, upon literary and artistic copyright, obligatory military service, and other matters of general interest.

Fifth. The federal constitution shall be in force provisionally during five years from its promulgation, within which time such amendments and reforms as experience may suggest shall be made. The last legislature of this period of five years shall put it definitely in force, and no alterations can thereafter be made in it, save by virtue of the provisions established therein for the purpose.

Sixth. The States shall be governed and administered provisionally until the federal and their own individual constitution be sanctioned by governors appointed by the supreme chiefs of Peru and Bolivia, respectively, for those departments which are to become States in either country, and by common consent for those of Tacna de Oruro and Potosi de Tarapaca.

These governors shall be subject to the laws at present in force in their respective departments, and to the instructions issued by the provisional government of the union.

In the States of Tacna de Oruro and Potosi de Tarapaca the government of the union, with the vote of the senate, will decide as may be necessary such conflicting cases as may arise from the different legislations of the two countries to which the departments forming the said States originally belonged.

The removal and substitution of governors once appointed shall be made by the provisional senate.

Seventh. A mixed commission shall undertake the fixing of the public debt of Peru and Bolivia in its different forms.

Eighth. Another commission, likewise mixed, shall study and suggest the most proper territorial demarkation of the States, that the same may be submitted for the approbation of Congress within the period of provincial constitutionality.

Ninth. The coat of arms of the Peru-Bolivian United States shall be of Germanic form; it shall have in the center a sun of the color of gold, surrounded by stars of the same color, upon a purple ground, and in the upper part a condor resting upon and seizing it with his talons.

The war flag of the said States shall be of rectangular form, the contiguous sides of which shall be in the proportion of one to two-thirds, and it shall bear in the center the same sun and the same stars as the shield upon a similar ground.

Tenth. In case of vacancy of the office of the provisional president or vice-president, it shall be filled by election by the senate, to be made—each member thereof voting for two citizens—one Peruvian and one Bolivian.

The models of the coat of arms and flags are annexed to this protocol.

In witness whereof the undersigned plenipotentiaries signed and sealed the same on the day and date above set forth.

(In duplicate.)

PEDRO JOSÉ CALDERON.
MELCHOR TERRAZAS.

No. 268.

Mr. Hay to Mr. Christiancy.

No. 90.] DEPARTMENT OF STATE,
Washington, June 30, 1880.

SIR: A dispatch (No. 149) has been received from Mr. Osborn, minister at Santiago, by which it appears that serious charges have been brought by the Chilian Government against Mr. Merriam, consul of the United States, at Iquique. The purport of the charges is that Mr. Merriam has assisted the Peruvian Government in keeping up communication with its southern army, contrary to the obligations of a neutral and what must be expected from the representative of a neutral government. You will investigate these statements, which, as I understand, have been made to you in detail by Mr. Osborn already, and in case you are convinced of their truth you will remove Mr. Merriam, placing the consulate in the hands of the vice-consul, if a proper person; otherwise in the charge of some United States citizen residing at Iquique.

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 269.

Mr. Christiancy to Mr. Evarts.

No. 183.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 5, 1880. (Received August 14.)

SIR: Referring to my No. 179, on the progress of the war and the question of peace, I have the honor to inform you that no further operations have taken place on land. But we have some more reliable information of the battle of Tacna, and some which I think reliable of the taking of Arica and of the conduct of the Chilian soldiery at Tacna and Arica after all the fighting had ceased. Most of this information upon which I rely was given me by Mr. ———, who was at Tacna at the time of the battle and the next day, and went to Arica a few days after, and who came up on our frigate, Alaska, from Pisco here on my return from Mollendo. He says that the night before the battle of Tacna, Montero, the Peruvian commander, insisted upon making, and did, with part of his forces, undertake to make, a night attack upon the Chilian army; but that, in the darkness and confusion, they mistook their way, wandered about all night, and seen (but not attacked) by the Chilians, were only able to get back to their own lines at daylight, a few minutes before the battle of the 26th opened, and were compelled to go into battle hungry and thirsty and overcome with fatigue; that they nevertheless fought well, as did the whole of the allied force, until the Chilians brought in their reserves of three regiments, when the allies (who had no reserve) came in, when they finally fled; that the allied force did not exceed 7,000 or 7,500 men in the battle, and the Chilian force did not exceed 8,000, but the latter were much better supplied with artillery and Gatlings and that the loss on each side in killed and wounded was very nearly equal, but that the Chilian soldiery killed most of the wounded found on the field, which is the true reason why, according to all the accounts even from Chilian sources, the number reported killed of the allied forces was much or more than the number reported wounded; that after the battle all the allied officers found dead upon the field were stripped, robbed, and left naked, and all the privates stripped of every vestige of clothing of any value; that the allied army is completely broken up, Montero retreating with less than 1,000 men in the ranks, and Campero with still less.

He also says (contrary to the first reports received here) that there was but one day's fighting, the 26th, which was about 6 or 7 miles above Tacna.

It is right that I should say here that though Mr. Nugent, our consular agent at Arica, has not written me, Mr. Merriam, our consul at Iquique, sends me an extract from a letter written by Mr. Nugent to him, dated June 17, in which Mr. Nugent says:

I was on the field immediately after the fight. * * * The number of killed on both sides is about 3,000, rather more of the Chilian than of the allied forces. The wounded from the two armies between 3,500 and 4,000.

He was not at Arica when it was taken, but went back there some days after, and he says:

I must say that the benavior of the Chilians, both in Tacna and Arica, is most disgraceful. In Tacna the greater part of the houses have been robbed and many of them destroyed. All the "*chacras*" (small farms, gardens, &c.) have been destroyed. Murders are committed every day. In fact, nobody is safe here now. In Arica they murdered the helpless and wounded, and gave very little quarter. In our house, the English consulate, they found a great many refugees, and took them out into the

plaza and had them shot, and then sacked the house. The greater part of the town has been burned and sacked. The house in which I had my consulate was sacked, and I have been told that the flag was torn down and trampled upon, and during the night they set fire to it and burned it to the ground. I wish you (our consul at Iquique) to advise me as to this matter, and to let me know how to act. As I was not at Arica during the fight, I cannot tell whether it is true as regards the flag, but the person in charge of the house represents it to be true. As the house belongs to my family I should like to know whether I have any right to claim or not. If so, please let me know how to make it.

Now, in reference to this letter of Nugent, I have to say that I learn from Captain Brown, of the Alaska, that when he was at Arica some months ago Nugent kept his consular agency in the same house now spoken of by Nugent as the British consulate, and not in the house which was burned, which was the house belonging to his grandmother, Mrs. McLean, the best house on the west coast, over which he seems to have placed the American flag, but he may, prior to this affair, have removed his consular agency to this house, with the archives, and, in that event, I think the Chilians committed an outrage upon our government, but I must inquire into the facts before I can give him any advice. I do not know whether the American flag was also flying over the house where he formerly kept his office as consular agent, and from which the refugees were taken out and shot upon the plaza. If it turns out that the placing of the American flag upon the McLean house was but a ruse to preserve that house, and he really had not there established his consular agency, I shall advise him that, as a British subject, he must look for protection and advice to the representatives of his own government.

Now, as to the conduct of the Chilians at Tacna, I must say that the French consular agent represents it in a somewhat less flagrant form. He says that after the taking of Tacna there was but little of abuse or outrage in the city proper; some few houses plundered; two Italians and eight Chinamen killed, and in the suburbs and neighboring *chacras* general robbery and plunder.

As to Arica, after the town and forts had been taken and all resistance had ceased, the statements of the French consular agent to the outrages committed by the Chilian soldiery are more distinct and positive than those of Mr. Nugent. He says that after Arica had been taken and all resistance had ceased many inhabitants of Arica had taken refuge in the building where our consular agent had kept his office (as stated by Captain Brown, of the Alaska), and among them some Peruvian soldiers, who had changed their uniform for citizens' dress, had sought refuge in that house (whether the American flag was flying then I do not know), and that the Chilian soldiery, apparently under the command of their officers, came to the house and took indiscriminately 59 men who were there—took them on to the public plaza and there deliberately shot them all.

This, if true, is not war, but deliberate wholesale murder, unprovoked by anything yet done by the allied forces, and in the cause of civilization and humanity, calls for an indignant protest from all civilized nations.

The blockade of Callao and Ancon. As to these, nothing of importance has taken place since my last, until about 4 o'clock p. m. of the 3d July, when the Loa, an armed transport of the Chilian blockading fleet (an iron steamer formerly belonging to the English Pacific Steam Navigation Company, but sold to Chili about the beginning of the war), was blown up and sunk by a Peruvian torpedo by a very clever *ruse de guerre* of the Peruvians.

It seems (for the special details I have heard are unreliable) that

the Peruvians had prepared a small launch on the night of the 2d instant with 300 pounds of dynamite in the bottom, and covered this over with a full loading of poultry, ducks, potatoes, and other vegetables, some of which were, by concealed cords, attached to wires connected with the dynamite; that the Loa had been north, probably to Ancon, and was returning to join the fleet; that the Peruvians had, by a row-boat, towed this launch far out towards the Chilian fleet, and as the Loa approached from the north and made towards the launch to capture it, the Peruvian row-boat abandoned the launch and made for the shore, which they reached, a boat sent out by the Loa capturing the launch and taking it up alongside of the Loa as a prize; but while close to the stern of the Loa and being unloaded the explosion took place, completely blowing off the stern of the Loa, which sunk in four minutes with 140 men, some 60 alone of the crew escaping.

No proposition for peace has yet been received from Chili, and the preparations by the Peruvian Government and the tone of its decrees (which I will endeavor to send you by the next mail) show clearly that Peru is not disposed to offer terms, and that the war may be indefinitely continued.

The tone of the Chilian press and what is said by Chilian officers tend to show that the popular voice in Chili is for an expedition to Lima, to dictate terms of peace in the Peruvian capital.

I have, &c.,

I. P. CHRISTIANCY.

No. 270.

Mr. Christiancy to Mr. Evarts.

No. 184.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 8, 1880. (Received August 13, 1880.)

SIR: As relating to the question of the continuance of the war or the probability of peace, I send you the following extract from a private unofficial letter of Mr. Osborn, our minister to Chili, dated Santiago, June 18, viz:

> I may add that there is no prospect now of a proposition being made by Chili to terminate the war, as suggested by me heretofore. Public opinion clearly demands a prosecution of the war until Peru shall ask for peace, or until Lima shall fall. The cabinet has been reorganized in conformity with this view.

Of the wisdom of this resolution on the part of Chili I have nothing to say, though it seems to me to be the result of popular passion rather than the cool judgment of her best statesmen, as she could easily hold all she has taken from Peru, and all she expects to hold, without further bloodshed or the hazard of further conflict.

But I am strongly of the opinion that Peru will, under these circumstances, offer no terms of peace until or unless her army near Lima shall be overwhelmed and Lima shall be captured.

Peru has now in the vicinity of Lima and Callao an army, as near as I can ascertain, of from 22,000 to 24,000 men, most of whom are well drilled, and all the infantry well armed with Remington rifles.

In addition to these every able-bodied man in the province of Lima over 16 and under 60 is called out and being organized. Most of these will not be armed with Remingtons, but such arms as may be accessible, each regiment having a particular kind of guns and ammunition.

They have also between 40 and 50 pieces of artillery, but mostly small, from three to five pounders, breech-loaders and rifled (a few smooth-bore, and some ten Krupp guns). What they lack most, in my judgment, is a larger class of smoth-bore field guns (such as the old Napoleon guns) for grape and canister.

Very few of the Peruvians, either officers or men, have any experience of actual warfare, while Chili will probably bring 6,000 to 7,000 from the south of Peru who have had the experience of one campaign.

I do not think Chili can well bring here an army exceeding 18,000 to 20,000 men; and to meet these I think Peru will, by the time they can reach here, have from 25,000 to 30,000.

I do not think the Chilian fleet can reduce the defenses of Callao, and therefore the Chilians will have to land at or near Ancon, 20 miles north of Callao, or at Chorillos, which is a bad place for landing, or at Chira, 3 or 4 miles south, or at Chilca, or the valley of Lurin, to the south.

Making, therefore, due allowance for the facts that the Chilians are probably better supplied with artillery and Gatlings; that some of them have had experience of actual warfare, and that coming from a temperate climate they are somewhat more vigorous race than the Peruvians, the chances of the conflict here may be said to be pretty nearly equally balanced.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—On reflection, I am strongly inclined to the opinion that the Chilians, instead of coming in the first instance to Lima, will first direct their efforts to the taking of Mollendo, Arequipa, and Puno, and the railroad connecting these places, press on to La Paz, Bolivia, and contrive to sever the alliance between Bolivia and Peru, and after this, if necessary, organize their expedition to Lima. My only reason for this opinion is that it seems to me manifestly better for the interest of Chili to take this course than to come directly to Lima.

As ever, &c.,

I. P. CHRISTIANCY.

No. 271.

Mr. Christiancy to Mr. Evarts.

No. 185.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 9, 1880. (Received August 13.)

SIR: I have the honor to inclose to you the following:

1st. The proclamation and decree of the Supreme Chief of Peru, dated June 27.

2d. The official note of the secretary of foreign relations and worship to the archbishop of Lima in reference to church property, &c.

3d. The reply of the archbishop thereto.

4th. The decree of the archbishop in reference to contributions to be made by the church to the government.

5th. The note of the secretary of government to the Secretary of War in reference to military passports, together with translations of each of above.

In reference to the sixth article of the decree of June 27, I have to say that I have advised American citizens here that they cannot organize and act as an urban guard upon the *principle* expressed in that article without a breach of neutrality, as they seem there to be invited to take the place of the police of Lima, *for the purpose* of enabling that *police to go into the active army of Peru.*

I, last night, had a conference with the supreme chief upon this point, having previously consulted with some of the foreign ministers, and I explained to him the difficulty growing out of the wording of article 6 alluded to, and suggested the repeal of the same, and its replacement by an article embodying the following ideas:

Citizens of neutral nations resident in Lima, for the purpose of protecting themselves, their families and property, and to that end, for preserving the peace and good order of the city against domestic violence and disorder during the exigencies of the present war, are invited to organize themselves into bodies of urban guards, they being hereby authorized to elect their chief and subordinate officers, so as to act as far as possible in concert, reporting such elections to the mayor of the city. And such officers so chosen may, for the purposes aforesaid, arrest any person committing violence or theft, or in any manner disturbing the peace or good order of the city, delivering the persons so arrested to the proper civil municipal officers of the city, with a written statement of the cause of the arrest; and the proper civil officers of said city shall have power to try the offences charged against the persons so arrested.

The supreme chief accorded fully to the ideas above expressed, and disclaimed any other meaning or intention of the sixth article of his decree, and gave me to understand that either that article would be so modified or the municipal authorities would be authorized and requested to extend the invitation on the principles explained by me.

There is a strong desire among neutrals here to organize for self-protection on the principles I have above expressed, and I think all the foreign ministers will agree in it.

Referring now to the seventh article of the same decree, I will say that a serious question may arise whether that article does not violate the spirit of the second article of our treaty with Peru. But on consultation with the supreme chief he assures me that if I will give him a list of the names of American citizens wishing to leave the country he will at once cause the proper military passports to be issued; and so long as he does this I do not think it necessary to stand upon any mere punctilios.

I will now only further remark that if the decree of the archbishop be faithfully carried into effect (which I doubt) it will place in the hands of the government many millions of dollars—I should say not less than $10,000,000, as the wealth of Peru is now mainly found in its churches. But I doubt if the government will realize from this source one-fifth of this amount.

On consultation with the foreign ministers here, I think we shall each grant to our respective citizens here a certificate of citizenship, to be placed upon the doors of their houses, certifying also that they are authorized to use the flag, and that the commanders of the Chilian forces, if they appear before Lima, will be informed of this and requested to respect the flag and the houses over which it is raised.

I shall also open the legation to all who may choose to come to it for refuge in case of danger.

With these precautions, I have no fear, so long as the Chilian soldiery shall remain under the control of their officers; but if in the midst of conflict in the streets or the sacking of the city the soldiery should escape the control of their officers nothing would be sacred, and I may be doomed to destruction as well as others. But I trust to the moral

force of our flag and do not permit myself to doubt the efficiency of its protection.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 185.]

[South Pacific Times, July 5, 1880.]

THE GOVERNMENT.

PROCLAMATION.

His excellency the Supreme Chief promulgated yesterday the following important proclamation:

[Translation.]

NICOLÁS DE PIÉROLA, *Supreme Chief of the Republic and Protector of the Native Race.*

Considering:

That Lima having more than sufficient means of defense against any attempt of attack on the part of the enemy, and it being necessary to place the city in a state to effect this object in order to allow the government to employ the army in the more active pursuit of the war,

I decree:

ARTICLE 1. The city and province of Lima are declared to be on a defensive military footing.

2. The Mobile and Sedentary Reserve force of the province of Lima are called out for active service; consequently all Peruvians residing in the province of not more than 60 years of age and not less than 16, without distinction as to class or employment, will present themselves to the proper authority within15 days from this date.

3. Those who belong to the Mobile and Sedentary Reserve will cease daily their occupations from 10 a. m. until 2 p. m., and it will be their duty to present themselves in uniform, at the places which their respective chiefs may appoint, in order to dedicate 2 hours to military exercises. In consequence the workshops and offices and commercial traffic will be closed from 10 a. m. until 2 p. m.

4. The only persons exempt from military exercises are the ecclesiastics, doctors of medicine, apothecaries, medical assistants, and others employed in the service of the hospitals, civil and military; also all employés in the public service belonging to the departments of war and government, the prefecture of the department, and the subprefecture of the province. Those who are physically incapable of taking up arms will be exempted afterwards, according to the decision of the tribunal of qualification which will be established for that purpose.

5. Those who do not present themselves within the time prescribed, or refuse to comply with the duties to which they are called, will be sent immediately to the army for active service.

6. Foreigners, residents in the province of Lima, are invited to organize and constitute themselves as an urban guard, in order to take charge of property and preserve order whilst the citizens are employed in the military service. The urban guard will choose and propose the persons who are to command them.

7. No inhabitant of the capital will be allowed to leave it without a proper passport from the military authority, with the exception of the purveyors and carriers of provisions, registered as such and provided with a ticket to that effect.

8. All persons in possession of arms must present them to the prefecture within 15 days, and in exchange for them will receive a document accrediting their delivery, in order that they may recover them or their value as soon as the present state of things may cease. Those who contravene this order or do not denounce those who have arms in their possession will be considered as traitors to the Republic and liable to due punishment.

9. The defensive forces of Lima which do not belong to the active army or to the Mobile Reserve will wear as uniform a blue tunic, girded with a leather shoulder-belt, and cartridge-box; cap to be of blue cloth, with a straight peak, with the number of the battalion in yellow metal. The uniform of the officers will be the same, with the difference that they are to have on their tunics and caps white stripes and the number

of their battalion in white metal. The badges of the classes will be of red cloth, on the shoulders and cuffs; the sword with a leather waist-band. The officers and men belonging to the artillery will wear red stripes. The distinctive marks for officers are to be white. All to be according to the patterns which will be supplied by the general staff of this force.

The secretaries of war and government are charged with the carrying out of this decree and the publishing of it by proclamation, and its circulation.

Given in the government house of Lima, on the 27th day of June, 1880.

NICOLAS DE PIÉROLA.

MIGUEL IGLESIAS,
Secretary of War.
NEMESIO ORBEGOSO,
Secretary of Government.

[Inclosure 2 in No. 185.]

PASSPORTS.

We translate from La Patria the following note, addressed by the secretary of government to the secretary of war, dated 30th ultimo, relating to passports:

Mr. SECRETARY OF STATE FOR THE WAR DEPARTMENT:

Under this date I have addressed the following note to the prefect of the department:

For the due carrying out of the order comprised in the proclamation published on the 28th instant, prohibiting any inhabitant of this province to leave it without the requisite passport, duly issued by the military authorities, you will proceed to give the necessary orders to the managers of the Transandine and Chancay Railways so that they may not allow any passenger to leave the province of Lima unless he present a passport issued by the secretary of war, with the signature or rubric of the Supreme Chief. You will also direct the governors and commissaries of police of this province to see that the before-mentioned proclamation be strictly complied with; and you have further to command the subprefects, governors, and police commissaries of the other provinces of the department that they observe the same regulations with passengers who may arrive from this department or province at the places of their jurisdiction without this requisite, with exception of the purveyors or carriers of provisions who can produce their tickets, making known at the same time to the last-mentioned functionaries and to the managers of the railways that those persons who should not present such authorization are to be compelled to return to this capital under proper custody, and to be delivered up to the prefecture.

For the due observance of these regulations the province of Callao is considered as one with that of Lima.

All which I have the pleasure to transcribe to your honor for your guidance as to the regulations which you may consider necessary to communicate to the military commanders in this department.

May God keep your honor.

NEMESIO ORBEGOSO.

No. 272.

Mr. Evarts to Mr. Christiancy.

No. 93.] DEPARTMENT OF STATE,
Washington, July 30, 1880.

SIR: Having regard to the contents of a dispatch (No. 148) from Mr. Osborn, minister of the United States at Santiago, wherein he inclosed a copy of a letter of May 13, last, addressed to you, I telegraphed you yesterday—

Press upon Peruvian Government our desire to aid in restoring peace on honorable terms, between nations to which we are sincerely and equally friendly. A like instruction is sent to-day to Santiago.

In answer to Mr. Osborn's No. 148, above referred to, I have approved the tenor of that minister's letter to you, suggesting a method by which the Government of the United States might make its good offices available in mediation between the powers now at war on the Pacific coast.

I am, &c.,

WM. M. EVARTS.

No. 273.

Mr. Christiancy to Mr. Evarts.

[Confidential.]

No. 190.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 14, 1880. (Received September 17.)

SIR: Owing to the stringent police regulations adopted by the Peruvian Government (and I am disposed to think properly adopted) I have been constantly employed in the protection of American citizens, whenever I have been able to work at all. I have been for some days so out of health as to be unable to write. I dictate this to my clerk.

The pressure of business in the protection of American citizens is now nearly passed.

And bearing in mind your instructions to avail myself of every opportunity to bring about a peace between Chili, Peru, and Bolivia, and having received intelligence upon which, I think, I have good reasons to rely, that all three of the belligerent nations are anxious for peace, notwithstanding their public professions to the contrary, I have determined to leave Lima for Santiago, Chili, with a view of opening the way to negotiations to that end; and I expect to leave to-morrow on the United States steamer Wachusett for Valparaiso, and expect to be absent between three and four weeks. It will be a special effort of mine to avoid all publicity in this movement, until such measures can be taken as to open negotiations, which, if once open, will, in my opinion, by counter propositions and further negotiations finally result in peace, probably through the friendly mediation of a neutral power, and, as I hope, the United States. I am the more anxious for this result because I have good reasons to believe that strong efforts are being made for the intervention of European powers to put an end to the present war.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—I have no information from Mr. Osborn that the Chilian Government is desirous of peace; but I have seen evidence which I deem authentic and *more direct* that Chili is willing to make a proposition through some third power. I am under a pledge not to state that evidence *at present* even to you.

I. P. CHRISTIANCY.

No. 274.

Mr. Hay to Mr. Christiancy.

No. 97.] DEPARTMENT OF STATE,
Washington, August 16, 1880.

SIR: On the 13th instant the following telegram was received from the minister of the United States at Santiago: "Chili will accept mediation in form suggested in my dispatch, May 20th." You were apprised of that form by a letter of Mr. Osborn, addressed to you May 13, last, and were informed by instruction No. 93, of July 30, that the Secretary approved the same.

In reference to the above, you were telegraphed on the 13th instant as follows:

Have reason to think Chili not indisposed to our mediations and that negotiations might be opened under our auspices. Report to me your view as to disposition of Peru.

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 275.

Mr. Hay to Mr. Christiancy.

No. 99.] DEPARTMENT OF STATE,
Washington, August 16, 1880.

SIR: I have to acknowledge the receipt of your No. 175 in relation to the charges brought by the Chilian authorities to the effect that Mr. Merriam, consul of the United States at Iquique, has lent his position there to the furtherance of Peruvian interests as opposed to those of Chili.

Approving your course in the premises, asking for a fuller report when the course of events shall make it practicable,

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 276.

Mr. Hay to Mr. Christiancy.

No. 102.] DEPARTMENT OF STATE,
Washington, August 25, 1880.

SIR: Referring to your Nos. 178 and 183 it would appear that the information you had obtained up to the date of the latter in relation to the treatment experienced by Mr. Nugent, consular agent of the United States at Arica, and by the consulate there at the hands of the Chilian forces on the capture of that place, is not sufficiently definite to enable the department to make proper representations in the matter through the minister of the United States at Santiago;

When you shall have learned the absolute state of facts you will please embody the same in a dispatch referring to this instruction by number and date. On the receipt thereof the department will determine with relation to instructing Mr. Osborn in the premises.

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 277.

Mr. Christiancy to Mr. Evarts.

[Confidential and personal.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 12, 1880. (Received October 22.)

SIR: Referring to the postscript to my dispatch No. 190, and having this day returned from Santiago, I write this confidential note to explain the nature of the evidence I had received which induced me to go to Santiago.

I had been shown an intercepted letter written by the President of Chili to the Chilian admiral at Callao, in which he says in substance that the government is desirous of peace and wishes to make some proposition to Peru, and thinks it would be best to make it through some third power. This letter was dated July 25.

I waited about eight days after seeing this letter, expecting to hear from Mr. Osborn, but received nothing, and fearing that some other power might be selected and that the United States might lose its proper prestige, I suggested to Captain Gillis, the senior officer of our squadron, that, as he had three vessels here whose business it was to cruise along the coasts of the belligerents, it might conduce to the public interest if he could send one south as far as Valparaiso, taking me along and bringing me back. He sent the Wachusett, and I went along and have just returned. Five days after I had left Mr. Osborn's letter of July 31 was received here by my clerk, and on September 9 his letter, of August 12 and August 20, informing me of the provisional acceptance by Chili of our mediation, were received here in my absence, which I have just opened.

As Mr. Osborn has kept you informed of his action and that of the Chilian Government in reference to our mediation, so far as it appears from the letters above referred to, I need not here go over the same ground.

But I will say that if I could have known the contents of those letters here before I went I should not probably have gone at all, and yet I am now satisfied that it was well I did go, as it enabled Mr. Osborn and myself to concert the proper mode of corresponding with Mr. Adams at La Paz and with the several governments and of hastening an opening of negotiations under the mediation of the United States.

For further particulars I refer you to my despatch No. 191. I ask that the present letter may not go on the regular files of the department, but that it may be treated as entirely confidential.

I have, &c.,

I. P. CHRISTIANCY.

No. 278.

Mr. Christiancy to Mr. Evarts.

No. 191.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 13, 1880. (Received October 22.)

SIR: Referring to my personal and confidential letter to you of yesterday, showing the reasons for my going to Santiago, I have the honor to state that on the evening of the 27th August, I arrived at Santiago, Chili, where I at once learned from Mr. Osborn what had taken place between him and the Chilian Government, in reference to the entering upon negotiations with Peru and Bolivia under the mediation of the United States, of which I take it for granted Mr. Osborn has fully informed you.

Mr. Osborn showed me your telegram No. 1 to him, without date, and that of August 17, 1880 (a copy of which last I received, directed to me, from our consul at Valparaiso, and which had been sent forward to me to Lima, having to go by mail from Arica, and which I find here upon my return). Mr. Osborn also showed me his note of the verbal interview of the 6th August with the President and secretary of foreign relations of Chili, dated August 10, which I suppose he sent to you.

But I learned from Mr. Osborn that, before his conference of the 6th August with the Chilian Government, the minister of Italy, with the concurrence of the French minister and the quasi approval of the English minister, had proposed to Chili a negotiation with Peru on the basis of giving up to Chili the province or department of Tarapacá, in full of everything, and had informed the Chilian Government that they expected, through their colleagues of Peru, to get the assent of the Peruvian Government to these terms, which they had not yet obtained.

On the 28th August, by appointment arranged through Mr. Osborn, we had a conference with Mr. Pinto, the President of Chili, and his secretary of foreign relations, in which they confirmed the substance of all Mr. Osborn had told me. I said to them that if the proposition originating with the Italian minister should be accepted by Peru, there was no occasion and no room for mediation of the United States or any other power, as all the rest would be mere matter of form, and that the respective governments could accomplish this themselves; the services of mere couriers, instead of ambassadors, being all that would be necessary.

I could readily perceive that (though they did not in any way indicate that any better terms would be granted) they had not full faith that these terms would be promptly accepted by Peru, and they declared that they had accepted the friendly mediation of the United States, and should not retract it, though it might be rendered useless if the terms proposed by the Italian minister should be accepted.

I learn since I have returned here that the ministers of Italy, France, and England did not venture to propose to the Peruvian Government the *terms* of peace proposed by the Italian minister in Chili, but had simply inquired of the Peruvian Government if it was willing to appoint ambassadors to confer with those of Chili upon terms of peace, and that the Peruvian Government had to this given an affirmative answer.

I will further say that while at Santiago, in view of the failure of the acceptance by Peru of the Italian proposition, and for the purpose of having Bolivia also represented in any conference for peace under the mediation of the United States, it was arranged with the Chilian

Government that letters should be given me to the commanding general (Baguedano) at Arica and to the Chilian admiral at Callao, which the general would forward to Mr. Adams, at La Paz, by express, and that the admirals should forward at the first opportunity any letter I should write to Mr. Osborn. These letters were written and given to me, and I have handed them to the general and the admiral. I also agreed with Mr. Osborn upon a key to be used between him and me from Arica south (as there is no telegraph north of that point).

Immediately on my return from the south, on the 11th instant, I had a full conference with the Supreme Chief of Peru; informed him of the acceptance by Chili of the mediation of the United States and the proposed negotiations, and asked him for a definite answer to be given by the 14th. He asked me to give him in writing the substance of our interview, which I did yesterday, a copy of which I inclose, and to which I call your special attention, as it explains many details which will save me the trouble of repeating here. He is to give me an answer to-morrow, but I may not have it in time to go by this mail, which I expect to send by the Lackawanna to-morrow morning.

I have no reason to doubt that the mediation of our government will be accepted, and that ambassadors will meet at Arica (or, perhaps, at Callao) from all the belligerent powers about the 5th October, and that peace will be the result.

The only unfortunate circumstance is that a Chilian expedition is now operating at Chimbote and along the north coast of Peru, which creates much irritation, as they are levying contributions not only upon towns but upon private property, even of neutrals. But this is no fault of mine, since, if the Peruvian Government had authorized me to say to the Chilian Government that she was ready to negotiate (which I was morally certain she was, but did not wish to appear as asking peace), I could, I am confident, have prevented the operations of this expedition. But I was not authorized to state this to the Chilian Government. Peru must take the consequences.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—SEPTEMBER 14. I am verbally informed by the supreme chief of Peru this morning that Peru, accepts, and that he will send me an official note to that effect this evening, but I may not receive it in time to go by the Lackawanna for Chimbote with this letter to-morrow morning.

I. P. CHRISTIANCY.

[Inclosure in No. 191.]

Mr. Christiancy to Mr. Barinaga.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 11, 1880.

MONSIEUR LE SECRÉTAIRE: I have the honor to inform you that I have just returned from Santiago, Chili, where I went for the purpose of consulting my colleague, Mr. Osborn, United States minister to Chili, and to ascertain so far as I could, the disposition of the Chilian Government in reference to putting an end to the war now unhappily existing between that country on one side and Peru and Bolivia on the other.

I am happy to be able to inform you that my colleague (Mr. Osborn) had already, as early as the 6th of August last, had a conference with the Chilian Government in reference to entering upon negotiations for peace, under the auspices of the friendly mediation of the United States of America, and that he found the Chilan Government well disposed to that end and to that mode of reaching it.

And that your government may be fully possessed of the facts bearing upon this question and of the mode proposed for effecting the object, I give you below the note made by Mr. Osborn of his verbal conference with the Chilian Government, and I will further say that this proposed mode of proceeding has been submitted to and expressly approved by the Government of the United States.

"*Memorandum of conference.*

"On the 6th of August, 1880, Mr. Osborn visited President Pinto and Minister Valderrama, touching the subject of mediation by the United States in the present war, and after some general conversation, in which the President expressed himself desirous of arriving at an early peace, Mr. Osborn read from a telegraphic message he had received from Mr. Evarts, Secretary of State of the United States, instructing him to press upon the Chilian Government the desire of the United States to aid in restoring peace.

"The President expressed his gratitude to the President of the United States for his kindness, but thought that the great distance intervening and the difficulties in the way of mail communications presented obstacles to prompt action, if meditation should mean reference of all matters to Washington. Mr. Osborn replied that he understood that the United States Government was desirous of serving the belligerents in whatever way might seem best calculated to procure the desired result, and as to them might seem advisable; but, that, anticipating the force of the suggestion of President Pinto, in May last, he had written to the government at Washington, and to his colleague at Lima, suggesting that if the United States should be called upon to mediate, in his judgment, the best mode of proceeding would be to request the belligerent governments to appoint duly empowered ambassadors to meet at some point on their coast on board an American man-of-war, and there to confer regarding the settlement of their difficulties in the presence of and with the advice and assistance of such ambassador or ambassadors as the United States Government might designate for that purpose.

"To his dispatch to the foregoing effect, Mr. Osborn stated that he had not yet received an answer, but that he believed that his suggestion would prove acceptable to his government. President Pinto and Minister Valderrama expressed themselves as satisfied with the form suggested for mediation, and the President, after a conference with his advisers, caus d Mr. Osborn to be informed, at another conference with Minister Valderrama, on the 10th of August, that the Chilian Government would be pleased to accept the services of the United States Government in the capacity of a mediator in the form by Mr. Osborn suggested, August 10, 1880."

I will further say that I personally had an interview with the President and Secretary of State of Chili, who confirmed to me the substance of Mr. Osborn's note, and wished to know of me if the Government of Peru was willing to accept the mediation of the United States, and to enter upon negotiations in that way. I was compelled to say that I had no authority from the Peruvian Government to answer that question; but that I could only give them my impression; that as Chili had accepted the mediation of the United States, neither Peru nor Bolivia would refuse it.

Mr. Osborn wrote to Mr. Adams, our colleage at La Paz, some three weeks ago, explaining the whole matter, and requesting him to ascertain the disposition of the Bolivian Government and to let him and me know; but mails to La Paz are uncertain, and both Mr. Osborn and myself wrote him while I was there, and the secretary of foreign relations wrote to General Baguedano (the Chilian general), who promised to forward them at once, and if Bolivia assents we reques'ed Mr. Adams to be at Arica with the ambassadors of Bolivia by the 5th October.

The Chilian Admiral Riveros has been instructed to hasten forward any letters I may wish to send to Mr. Osborn.

The Chilian Government assents that Peru may send an unarmed vessel to Arica for the convenience of her ambassadors and their conveyance there, if desired, and Admiral Riveros has orders accordingly.

It now only remains for your government to decide whether it will accept the friendly mediation of the United States to open negotiations in the manner proposed.

I improve this opportunity to express to your excellency the high regard and esteem with which I subscribe myself, &c.,

I. P. CHRISTIANCY.

His Excellency Señor Don MANUEL M. BARINAGA,
Secretary of the Treasury, and Acting Secretary of Foreign Relations, &c., of Peru.

No. 279.

Mr. Christiancy to Mr. Evarts.

No. 194.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 17, 1880. (Received October 18.)

SIR: Referring to my dispatch No. 191, I have the honor to inclose to you the reply of the supreme chief of Peru, sent me in writing, together with a translation. The document, as you will see, is peculiar: though it does clearly accept the mediation of the United States, and by implication, when construed with reference to the circumstances and the verbal explanation of the plan of negotiations, must be understood as consenting to the negotiations in the manner proposed, with an indignant protest against the acts of Chili along the north coast of Peru, the main and direct object of which seems to be the levying of contributions upon private property, and destroying the property in case of non-payment—a mode of warfare the legitimacy of which is at least questionable,—and which the general opinion of the diplomatic corps here pronounces inadmissible under the humane principles of modern warfare, though all admit the right of a belligerent under the present recognized laws of war to impose contributions upon towns, cities, and other political organizations of an enemy's country, as well as the right to destroy individual property whenever it may become incidentally necessary in carrying out any proper *military* enterprise, but not the right to demand forced contributions from the owners of mere private property, or to destroy such property, and to make this the special end and object of an expedition where there is no armed enemy to be opposed, and the owners are non-combatants.

I send copy of telegram from Colonel Lynch, Chilian commander, to Mr. Derteano, owner of a sugar estate worth $3,000,000, which has been destroyed for non-payment.

I deeply regret this expedition as very inopportune, so far as it affects the question of peace, but I was in no condition to ask Chili to refrain from it so long as I could not assure them of the acceptance by Peru and Bolivia of our mediation, nor was there any express understanding with Chili that they should refrain from any military operations prior to the opening of negotiations.

I wrote a letter to Mr. Osborn from Arica September 7, and a similar one to Mr. Adams. I send you here a copy of that to Mr. Osborn, as ollows:

ARICA, *September* 7, 1880.

HON. THOMAS A. OSBORN,
Santiago, Chili:

SIR: I have to advise you of my arrival at this port at 8 a. m. to-day, on board the Wachusett. I found that General Baguedano was absent in Tacna, but Colonel Valdivieso, commander of the post, called upon me at once and offered his services. I delivered to him the letter of the minister of foreign relations and my dispatches, to be forwarded to La Paz, calling upon him for that purpose at headquarters.

Allow me to say that, in my opinion, as soon as ambassadors shall have met for negotiating peace, with the mediation of the United States, an armistice of two or three weeks at least should be established, as I think it would increase the probability of success, to avoid during the negotiations all further causes of irritation during the conference. In fact, without such armistice it would be naturally inferred that the party or parties refusing the armistice had little faith in the result. Besides, it seems to me it would not be entirely respectful to the United States, as mediator, to refuse such armistice.

Your dispatch received just as I am closing this. I can find no dispatches or letters to or for you here, nor for Mr. Adams.

Immediately on receiving verbal notice from the supreme chief of the acceptance of our mediation, on the 13th instant, I wrote to the commander of the Chilian expedition a letter, of which I send you copy (a copy of which was also sent to the Chilian admiral on same day).

On the 14th I wrote him another letter for the protection of property of Edward C. DuBois, of which I inclose copy.

On the 15th instant I went on board the Chilian admiral's ship to see if he could forward a letter or dispatch (from me to Mr. Osborn) to Arica, to be telegraphed thence, but he had no vessel which he could send, and knew of no mode earlier than the mail steamer for the south, which would not go before the 19th or 20th. I left with and showed to him a telegraphic dispatch for Mr. Osborn, informing him of acceptance of mediation by Peru and Bolivia, inclosed in a letter to our consular agent at Arica, to be sent by telegraph from Arica. These the admiral was to send by his first opportunity.

On my return to the Lackawanna I suggested to Captain Gillis to send the Wachusett to Arica to deliver a letter and dispatch to our consular agent there, a copy of which letter and dispatch I here inclose. Captain Gillis assented, and the Wachusett left on the morning of the 16th, which will get the dispatch to Mr. Osborn from four to six days sooner than it could have gone by the mail steamer.

While on board the Blanco Encalada, the admiral informed me that both he and Colonel Lynch (commander of the land expedition) had orders to spare the property belonging to neutrals as far as possible.

I thereupon wrote to Colonel Lynch, on the 16th instant, the letter (of which I here inclose copy) in behalf of John W. Grace, an American citizen, which may serve as a sample of many others which I have since written, and upon which I have been kept nearly all my time busy. Copies are preserved and can be sent if you wish; but I have not clerical force to send them all now.

On the 16th instant I met the diplomatic corps here at the call of the dean, to consider some matters of little importance, about which I will not trouble you now, and after these things were disposed of I volunteered to make a candid statement to them of all that had occurred in Chili in reference to the mediation of the United States, assuring them, as I believe the truth to be, that the American ministers had not, in any way, sought to defeat any of the efforts of the ministers of other nations to bring about a peace; that the information received from the Government of Chili and from Mr. Osborn only gave me to understand that the attempt at negotiation initiated by the Italian and French ministers was based upon the idea that Peru, as a preliminary condition to negotiation, was to assent to the cession of Tarapacá to Chili, which Peru had not yet assented to, and the Chilian Government did not seem to trust that she would in the first instance, and as an indispensable condition to negotiations, and had therefore accepted the mediation of the United States; that I had said to the Chilian Government that if the supposed proposition, based upon the cession of Tarapacá, should be accepted by Peru there was no occasion for any mediation, &c., and that, therefore, I had not supposed that the proffered mediation could, in any way, antagonize the negotiations set on foot by the Italian and French ministers and approved by the English minister here; that the common interest of all neutral nations was for peace between the belligerents, and that I did not suppose that any government sought—and I knew that my government did not seek—any peculiar advantage from a treaty of peace, nor any advantage which would not be common to all other neutral nations; that I had never made any secret of the fact,

but had uniformly told them, for more than a year past, that the United States was ready to offer her friendly mediation, whenever all the belligerents should indicate their willingness to accept it, notice of which had been communicated to all the belligerents.

In answer to these explanations I, for the first time, learned from the Italian, French, and English ministers here that Chili had ever intimated to them or their colleagues at Santiago a willingness to enter upon negotiations at large, and without the indispensable condition, as a basis, of the cession of Tarapacá; but I was now (September 16), for the first time, informed of this, and that Peru had assented to it. But the Government of Peru had never given me any such intimation, and has not now.

The supreme chief has been absent since the 16th at the north, and has not yet returned. I have explained to all the diplomatic corps everything in relation to the mediation of the United States (except the telegrams to me and Mr. Osborn).

There is evidently some chagrin on the part of the ministers of Italy, France, and England, that their good offices (tendered, I am bound to suppose, in equal good faith) have been rejected and our mediation accepted, but so far as I am able to discover they can only complain of the government of Chili, as the ministers of the United States have acted in perfect good faith, so far as I know and believe.

As I have some slight reason to suspect (and most of the foreign ministers here believe), from information from the South, that Chili may be contemplating an expedition against Lima, which I think wholly inconsistent with mediation in the mode proposed, I prepared and sent away yesterday, by the British mail line, the dispatch to Mr. Osborn, of which I send you a copy (which is to be telegraphed from Arica).

Should this expedition take place before and in the face of the proposed negotiations, I shall be compelled to look upon it as a violation of good faith, as I must be, and the Chilian Government must necessarily have known that I must be, here to protect my legation and the citizens of the United States in such contingency.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 194.—Translation.]

Mr. Barinaga to Mr. Christiancy.

OFFICE OF THE SECRETARY FOR FOREIGN AFFAIRS,
Lima, September 14, 1880.

Mr. MINISTER: Having been informed by your excellency of your voyage to Santiago de Chili, with the object of offering to the government of that republic the mediation of the United States in order to bring about a peace with Peru and Bolivia, a mediation which, having been accepted by Chili, you have therefore proposed to my government, I have to make known to your excellency that, after conferring with the minister plenipotentiary of Bolivia, my government has decided to accept your offer, purely from deference to the Government of the United States, and notwithstanding that the motives which induced Chili to declare war against Peru and the manner in which she has carried it on up to the present day prove to us how far she is from the path of moderation and justice, without which no peace is possible, as I had the honor to make known to your excellency in our verbal conference upon this matter.

The acts which the Chilian forces have just committed more than a hundred leagues distant from our army, and without any warlike object, sacking, burning, and destroying the property of both natives and foreigners, immediately after accepting the mediation of your government, are not only not compatible with the regard due to a friendly mediator, but create a feeling of indignation which it is very difficult to re-

press. My government limits itself to the expression of this feeling, leaving to that of your excellency, and to your excellency also, the manner of appreciating our conduct.

My government believes that, if its desire for peace and the regard it has for the government and people of the United States have determined it (notwithstanding the evident justice of its cause and the confidence it has respecting the exit of the war, and leaving on one side all that we have suffered), to entertain negotiations for peace, still all such motives will fall before the painful evidence we have that we are fighting with those who infringe the laws of civilization and the respect which every nation should show one to another.

I have the pleasure on this occasion to offer to your excellency my esteem.

MANUEL A. BARINAGA.

His Excellency Mr. I. P. CHRISTIANCY,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

[Inclosure 2 in No. 194—Telegram.]

Colonel Lynch to Mr. Derteano.

T. DERTEANO:

In accordance with the instructions which I have received from my government, I impose on your sugar factory (Ingenis) of Palo Seco a war contribution of 100,000 pesos, in silver, or the equivalent of this sum. If you do not reply immediately, giving the corresponding orders to your employé to pay the said contribution, I shall have, to my regret, to destroy completely the factory of Palo Seco. You may state the manner of paying the mentioned war contribution.

(Signed:) The chief of the division of the Chilian army at Chimbote.

[Inclosure 3 in No. 194.]

Mr. Christiancy to Mr. Osborn.

(In the body of Mr. Christiancy's dispatch.)

[Inclosure 4 in No. 194.]

Mr. Christiancy to the Chilian Commander.

No. 72.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 13, 1880.

To the Commander of the Chilian forces at Chimbote and in the north of Peru:

SIR: I have just returned from Santiago, where, with the American minister, Mr. Osborn, I had a full and free conference with the Chilian Government, which has accepted the mediation of the United States for the negotiations of peace with Peru and Bolivia. I am now authorized to say that Peru accepts that mediation, and that negotiations for peace will be at once entered upon. When I consulted with the Chilian Government I was not authorized to say that Peru would accept the mediation of the United States, but now I am authorized to say that Peru accepts and that the ambassadors of all the belligerents are likely to meet as early as the fore part of October next for that purpose,

I do not and cannot assume to interfere with any instructions you may have from your government as to the course you have been directed to take; but you will, I hope, appreciate my motives and those of the government I represent (which is equally friendly to all the belligerents) when I suggest to you that, so far as your orders will permit, it would be judicious and tend to the attainment of an early peace, to avoid all depredations and causes of irritation not rendered obligatory by your orders. And you will permit me to say that I know there is a very strong feeling among the ministers of foreign governments here and at Santiago against depredations upon mere private property not demanded by some actual military necessity in attacking the armed forces

of your enemy, or the levying contributions upon it, and especially as such depredations may be committed or forced contributions levied upon private property known to belong to citizens of friendly and neutral nations, from which, as you can readily see, many complications and reclamations may arise.

The Government of Chili will be at once informed of the acceptance by Peru of the friendly mediation of the United States and her readiness to enter upon negotiations under such auspices.

Had I been able while at Santiago to assure the Chilian Government of the willingness of Peru thus to enter upon negotiations, as Chili consented to do, I am strongly inclined to the opinion that, if your expedition had been dispatched at all, it would have been under orders somewhat modified and less stringent than they now probably are; but I cannot ask you to adopt my opinion. I fully recognize the fact that you must act upon your own views of what the circumstances and the orders of your government may demand.

Allow me in conclusion to express to your excellency the high regard and esteem with which I subscribe myself, &c.,

I. P. CHRISTIANCY,
United States Minister to Peru.

[Inclosure 5 in No. 194.]

Mr. Christiancy to the Chilian Commander.

No. 73.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 14, 1880.

To the Commander of the Chilian forces at Chimbote and in the north of Peru:

SIR: I am well aware that the property of neutrals in an enemy's country must, to a considerable extent, abide the like risks of war as that of individual citizens of the enemy's country.

But one of the principal causes of this rule is the difficulty which the attacking belligerent must encounter in ascertaining whether the property belongs to citizens of a friendly nation or to those of the belligerent nation. For the purpose of enabling you to decide this question in the case I am about to present, I have the honor to inform you that the Hacienda Suchiman, thirty miles from the port of Chimbote, and upon the line of the Chimbote and Huaraz Railway, is the exclusive property of Edward C. DuBois, a citizen of the United States of America, and that he is also the owner of all the buildings, crops, stock, and property on said Hacienda, due proof of which ownership has been filed in this legation.

I should, therefore, esteem it as a friendly act towards the Government of the United States if said Hacienda and property can be exempted from all depredations not rendered actually necessary by the exigencies of war.

Please accept the assurance of the high regard and esteem with which I have the honor to subscribe myself, &c.,

I. P. CHRISTIANCY,
United States Minister to Peru.

[Inclosure 6 in No. 194.]

Mr. Christiancy to Mr. Nugent.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 15, 1880.

DEAR SIR: Please send by government telegraph the inclosed dispatch to Mr. Osborn, American minister to Santiago, without a moment's delay.

Please also forward to him by first mail the letter I send you for Mr. Osborn, by steamer.

Yours truly,

I. P. CHRISTIANCY,

C. M. NUGENT, Esq.,
United States Consular Agent, Arica, Peru.

[Inclosure 7 in No. 194.—Telegram.]

Mr. Christiancy to Mr. Osborn.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 15, 1880.

Hon. THOMAS A. OSBORN,
United States Minister, Santiago:

Peru accepts; Bolivia, through her minister here accepts. But the depredations now being committed upon private property of non-combatants along the coast of Peru are calculated to exasperate the people and defeat the prospect of peace.

I. P. CHRISTIANCY.

[Inclosure 8 in 194.]

Mr. Christiancy to Chilian Commander.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 16, 1880.

To the Commander of the Chilian forces along the coast of Peru, North of Callao:

SIR: Being informed by Admiral Tuneros that the orders of your government to him and to yourself are to spare as far as possible the property of citizens of neutral and friendly nations, which I am sure will be properly appreciated by all such nations, in order to enable you to carry into full effect the good intentions of your government. I take the liberty of informing you that John W. Grace, esq., recently of California, now temporarily resident of Lima, is a citizen of the United States of America, and entitled to protection as such, and I further certify that he has filed in this legation satisfactory and clear evidence that he is the true and lawful owner of the sugar estate known as Checlin and Hacienda Arrelea, situated in the province of Trujillo, and you will allow me to express the hope that these properties may be exempted from injury by your forces.

Please accept the assurance of the high regard and esteem with which I have the honor to subscribe myself, &c.,

I. P. CHRISTIANCY,
Envoy Extraordinary and Minister Plenipotentiary of the United States to Peru.

[Inclosure 9 in 194.—Telegram.]

Mr. Christiancy to Mr. Osborn.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 16, 1880.

Hon. THOMAS A. OSBORN,
United States Minister, Santiago, Chili:

Should the reputed expedition of the Chilian army to Lima take place before and in the face of the proposed negotiations there will be no mediation. It would place the United States in an ignominious position. The acceptance of Peru might be withdrawn, and I should not be able to leave Lima, though it were not withdrawn; as in that event I should be compelled to be at my post here and all our naval vessels would have to be here. If Chili does not wish to prevent peace she will not send this expedition now. If expedition does not come, expect to be at Arica with ambassadors about 5th October.

I. P. CHRISTIANCY,
United States Minister.

No. 280.

Mr. Christiancy to Mr. Evarts.

No. 195.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 18, 1880. (Received October 22.)

SIR: Referring to your dispatch No 90, in reference to complaint of Chilian Government against Mr. Merriam, our consul at Iquique, I have

the honor to inform you that I had no means or opportunity to investigate the charge until I went south to Santiago, as stated in my recent dispatches. I was informed by Mr. Osborn, at Santiago, as well as by the office of foreign relations there, that Mr. Merriam was suspected of being the medium of communication between Peruvian officers and their government, and of being generally friendly to Peru, but the only specific charge against him was that sent you by Mr. Osborn, to which you refer in your dispatch No. 90.

On my return from Valparaiso, on September 6, 1880, I got the Wachusett to stop at Iquique (finding we should lose no time, as we should otherwise arrive at Arica in the night and have to wait till morning.) I there called upon Mr. Merriam, who most explicitly denied the only specific charge made against him, that of forwarding a letter or attempting to forward a letter from the Peruvian general, Montero, to his government, and all notice or knowledge that any such letter as that referred to had ever been addressed to him, or that he had ever received it.

I inclose here a copy of his statement made in writing, September 6, 1880, also a copy of his supplemental letter of September 6, received by me three days since by mail.

It will be readily seen that, in the face of these letters, I cannot remove Mr. Merriam without some evidence tending to impeach his statements. I saw the captain of the port of Iquique September 6, and said to him that I had no evidence of any wrong in this matter on the part of Mr. Merriam, and that if he had any, I would thank him to forward it to me, as our government would not uphold our consul in aiding to keep up such correspondence of Peruvian officers to the prejudice of Chili.

Certainly the mere attempt of General Montero to get Merriam to forward the letter in question, without any knowledge of this on the part of Merriam and without such letter ever reaching his hands, cannot be treated as *evidence* against him. He married a Peruvian wife, and his sympathies may be with Peru, and probably are so, but this is too indefinite a cause for me to act upon in removing him. The department has a larger discretion.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 195.]

Mr. Merriam to Mr. Christiancy.

SEPTEMBER 6, 1880.

* * * With reference to the subject of your dispatch, marked "confidential," dated June 10 last, I will state to you that your dispatch gave me the first intimation which I ever had that General Montero had ever proposed to send official correspondence through this consulate. Had he or any other of the belligerent parties proposed to me to forward such communications I should certainly have refused to do so. The correspondence referred to never came into my possession, nor did I know until I received your letter that such correspondence had been sent to my care; nor have I ever to my knowledge been the medium of communication, directly or indirectly, since the beginning of the war up to the present time, between the belligerents.

J. W. MERRIAM,
United States Consul.

[Inclosure 2 in No. 195.]

Mr. Merriam to Mr. Christiancy.

CONSULATE OF THE UNITED STATES,
Iquique, September 6, 1880.

SIR: As supplementary to the conversation which we had in the consulate this morning I wish to put in writing, in an official form, one or two statements with reference to the subject of your dispatch marked "confidential," dated June 10 last. I will state that that dispatch gave me the first intimation which I ever had that General Montero had ever proposed to send official correspondence through this consulate.

Had he or any other of the belligerent parties proposed to me to forward such communications I should certainly have refused to do so.

The correspondence referred to never came into my possession, nor did I know until I received your letter that such correspondence had been sent to my care; nor have I ever, to my knowledge, been the medium of communication, directly or indirectly, since the beginning of the war up to the present time, between the belligerents.

I have, &c.,

J. W. MERRIAM.

No. 281.

Mr. Christiancy to Mr. Evarts.

No. 197.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 30, 1880. (Received November 16.)

SIR: I leave to-morrow morning on the Lackawanna for Arica, to attend the proposed negotiations there, the Peruvian negotiators going on an unarmed ship of their own, the Limeña. Owing to the Chilian operations along the north coast of Peru, and the destruction of public and private property there (where there is no Peruvian armed force), and the exasperation thus caused, the whole scheme of mediation has, after it had been agreed to by Peru, and I had notified Mr. Osborn of this, been upon the point of being abandoned and rejected by Peru, and it has been only after my most earnest and repeated efforts that she has finally agreed to go on with the attempt to negotiate under our mediation; and, I confess, I have not now so strong a hope of a successful issue of the negotiations as I had three weeks ago.

Chili has evidently for the present determined to insist upon the cession of Tarapaca, and the Peruvian Government profess to have determined not to cede an inch of territory.

Both Peru and Bolivia now prefer the *arbitration* of the United States to her *mediation*, because they think that the demands of Chili will be so exorbitant that no agreement can be reached, and they wished to change the whole programme to that of arbitration. I have said to them that this would be departing from all the preliminary arrangements which had been agreed upon by all the parties; that it would lead to delay, as our government would first have to be consulted as well as that of Chili, and that it would place the Governments of Peru and Bolivia in an awkward position, after both had accepted, now to retract; besides, it would be in no way complimentary to the United States, to say the least; that it was best to make the attempt to negotiate as at first proposed; and if that should disclose an impossibility to agree upon terms, then arbitration might be attempted and even proposed by the negotiators; but that it was in every way desirable that all the belligerents should, if possible, first agree upon some general basis, and then to submit minor questions only to the arbitration of a

third power; as no such third power would desire to decide upon the whole question (upon an open field) upon what terms the belligerents should settle a peace, &c. They have finally yielded to this reasoning, and the attempt to negotiate under our mediation will proceed.

I have been so constantly engaged in these matters and in providing for the protection of American citizens, especially during my absence and in making preparations to leave, that I have not been able to write you upon several subjects of interest, nor even to prepare my quarterly account for the quarter ending to-day, but I have instructed my clerk, Mr. Renant, to send you several newspapers showing the operations of the war and the financial expedients resorted to here; and if any great event likely to be interesting to you should occur here during my absence to inform you, signing his name only as my clerk.

I have, &c.,

I. P. CHRISTIANCY.

No. 282.

Mr. Christiancy to Mr. Evarts.

No. 198.] LEGATION OF THE UNITED STATES,
On board U. S. Steamer Lackawanna,
Bay of Arica, Peru, October 24, 1880. (Received November 16.)

SIR: Referring to my last dispatch from the legation at Lima, No. 197, I will say that I left Lima on the morning of October 1 and went on board the Lackawanna, which was ready to sail at 12 m., and we had expected the Chilian vessel Chalaco, with the Peruvian plenipotentiaries to be ready to leave then; but she did not get out of port until evening. We, therefore, did not leave until 6 a. m. of the 2d instant. The Peruvian Government was averse to Arica as the place of negotiations, and ordered their vessel to stop at Mollendo, hoping that I would be able to get Chili to consent that the negotiations should take place there or at some other place north of Pacocha and not in possession of Chilian troops. We, therefore, left the Chalaco with the Peruvian plenipotentiaries at Mollendo, where I had expected to meet Mr. Adams; but, he not having arrived, I telegraphed him to come on, and I then went on to Arica with the Lackawanna, where I arrived at daylight on the 6th instant, expecting to find Mr. Osborn and the Chilian plenipotentiaries, but found they had not arrived, and from telegrams from him and a letter I received here, found it a little doubtful whether they were coming at all. By the 9th, however, it was settled that they would come. In the mean time I had been making an effort to induce the Chilian Government to consent to a change of place, but finding they would not consent to a change until preliminaries should be agreed upon, and that if we waited for the mail-steamer to communicate with the Peruvian negotiators some days might be lost, I induced Captain Gillis to return with me to Mollendo, where I met them and explained the situation, but got no express consent from them to come to Arica.

Mr. Adams and the Bolivian negotiators arrived at Mollendo while we were there on the 12th instant, and Mr. Adams came with us here, leaving Mollendo on the 14th in the morning, and arriving here in the evening, yet uncertain whether the Peruvian plenipotentiaries would come here, but informing them that we should wait here for them a short time, and if they did not come, should start for Callao.

Mr. Baptista (one of the Bolivian negotiators who had come down with us) wrote to his colleague and the Peruvian negotiators at Mollendo, urging them to come, and I also wrote, and on the evening of the 20th instant, the Chalaco arrived here with the negotiators of Peru and the remaining one from Bolivia, Mr. Osborn and some of the Chilian negotiators having in the mean time arrived here on the 17th, and the others since. On the 22d, at 12 m., the necessary notices and preliminary measures having been given and taken, the plenipotentiaries held their first preliminary meeting in the cabin of the Lackawanna; Mr. Osborn, the senior United States minister on the part of the United States acting as chairman; and their respective powers being found in due form, the plenipotentiaries of Chili (in accordance with our suggestion previously made) handed to the plenipotentiaries of Peru and Bolivia (now on board the Chalaco) their first proposition or basis of peace, and the meeting closed. The Peruvian and Bolivian plenipotentiaries have these propositions now under consideration, and have given notice that they will be ready for another meeting on board the Lackawanna tomorrow at 1 p. m.

I inclose a translation of the terms or essential bases demanded by Chili, as furnished to the plenipotentiaries of the allies. I have not time to give copy in Spanish, as the mail-steamer which will take this is now in port. I will simply say of these propositions that to me they do not appear to have been made with any expectation that they would be accepted by the allies; since they are such that they could hardly be accepted without such a degree of national humiliation as would be inconsistent with that self-respect essential to the independent national existence of the allies; and if made with the serious intention of being insisted upon, I should be satisfied there will be no peace, and that Chili is not desirous of peace.

But I think the more reasonable conclusion is that they were purposely made much more exacting than the negotiators intend ultimately to insist upon, for the purpose of drawing out propositions of a more moderate and reasonable character from the allies, and I am strongly inclined to the belief that Chili will be satisfied with a cession by Bolivia of all her possessions between the Andes and the coast, and by Peru of the province of Tarapaca, bounded north by the river Camarones, in full of all her demands. Such, I was semi-officially informed by the President and Secretary of State of Chili, and by Mr. Hunaens (selected by them to communicate with me) when I was in Santiago, about the close of August last, and when they informed me they had accepted the mediation of the United States. But the probabilities of the result will now soon begin to develop.

For the present and until the negotiations among the plenipotentiaries elicit the real points of disagreement, we, as mediators, do not propose to interfere.

I am, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 198.—Translation.]

Memorandum of the essential conditions which Chili exacts in order to arrive at a peace, presented by the Chilian plenipotentiaries to the Peruvian and Bolivian plenipotentiaries in the conference held on board the United States ship Lackawanna, the 22d of October, 1880.

First. Cession to Chili of such territory of Peru and Bolivia as extends to the south of the valley of Camarones and to the west of the line of the Andean Cordillera, which

separates Peru and Bolivia, as far as the valley of the Chacarilla, and to the west also of a line which, from this point being prolonged, would strike the frontier of the Argentine Republic, passing through the center of Lake Ascotan.

Second. Payment to Chili by Peru and Bolivia jointly of the sum of twenty millions of dollars, four millions whereof are to be paid in cash.

Third. Return of the properties of which Chilian citizens in Peru and Bolivia have been despoiled.

Fourth. Return of the transport Rimac.

Fifth. Abrogation of the secret treaty made between Peru and Bolivia in the year 1873, leaving at the same time void, and of no effect whatever, the steps taken to bring about a confederation between the two nations.

Sixth. Retention on the part of Chili of the territory of Moquegua, Tacna, and Arica occupied by Chilian forces, until the obligations to which the preceding conditions refer have been complied with.

Seventh. The obligation on the part of Peru not to fortify the port of Arica when it shall be given up to her, nor at any time, and an understanding that in future it shall be an exclusively commercial port.

A true copy.

On board the Lackawana, Arica, October 22, 1880.

DOMINGO GANA,
Secretary of the Plenipotentiary of Chili.

Mr. García to Mr. Evarts.

No. 283.

[Translation.]

LEGATION OF PERU IN THE UNITED STATES OF AMERICA.
New York, October 25, 1880. (Received October 27.)

MOST EXCELLENT SIR: I hasten to inform your excellency that I have received a telegram from Panama, by which I am officially informed of the acceptance by my government of the good offices proffered by that of your excellency through your representatives in Peru, Bolivia, and Chili, with a view to securing the restoration of peace among those republics. I am also informed that my country has appointed Dr. Antonio Arenas and Captain Aurelio García y García, a naval officer, to represent it in the negotiations which are to be commenced.

Peru, having been forced into a struggle which she did not provoke and for which she was not prepared, has suffered, as your excellency is aware, every kind of injury, both material and moral, hoping to be able, sooner or later, to make a suitable return for the same; and it is just at the moment when she is in possession of the elements necessary to check the advance of Chili that your excellency's government interposes and offers to put an end to the disastrous war in which we are involved.

The contest is not one of my country's seeking. Having been attacked by surprise, she has done no more than defend herself against the most unjust of all aggressions. Although constantly fighting at an immense disadvantage, she has shed her blood and sacrificed her treasure in order to furnish evidence to the world that she is worthy of the place which she occupies among free nations. The material results, however, have been unfavorable to her, and she has been forced to undergo the sore trial of suffering the outrages of the victor, which have indeed been greatly at variance with what is sanctioned by justice and by modern civilization.

Recently, after Chili had accepted your excellency's mediation, a portion of her army landed in the most defenseless part of my country,

where, in violation of every principle and of every consideration, it was guilty of excesses which I do not here characterize as I might, out of respect both to your excellency and to myself. Nevertheless, Peru will enter the path of peace, through the mediation of the great American Republic, thus obeying her generous instincts and suppressing the feelings of just indignation which the acts of vandalism that have been committed by her implacable enemy have necessarily aroused in her breast. Unfortunately this will not suffice for the success of the negotiations, which have doubtless by this time begun. But little is to be expected from a country that carries on war as Chili has thus far done, exciting the abhorrence of all civilized nations, and I do not expect that your excellency will attain the object which you so nobly have in view. The advantage which the fortune of arms has given to that country renders it highly improbable that she will comply with reasonable requirements, and it is almost certain that the war will have to be continued, while it is impossible for any one to foretell what will be the end of its horrors. Be this as it may, Peru will ever gratefully remember that your excellency's government has taken the most lively interest in bringing about the termination of a conflict which ought never to have been commenced, but in which she has given splendid evidences of her profound respect for the principles of right and of social ethics.

I avail myself of this occasion to offer your excellency the assurance of my highest respect and consideration, and to subscribe myself your excellency's faithful and obedient servant.

IGNO. GARCÍA.

No. 284.

Mr. Christiancy to Mr. Evarts.

[Telegram.]

SANTIAGO DE CHILI, *October* 27, 1880.

SECRETARY OF STATE,
Washington, United States.

Peru refuses Tarapaca; Chili refuses arbitration of United States.

CHRISTIANCY.

No. 285.

Mr. Christiancy to Mr. Evarts.

No. 200.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 2, 1880. (Received December 6.)

SIR: I have the honor to inclose to you the protocols of the conferences of the plenipotentiaries of Peru, Bolivia, and Chili, held at Arica from the 22d to the 27th October last under the mediation of the United States; also translation of the same. These protocols show the whole substance of the conferences, but in explanation of the time and manner of the presentation of the terms proposed by Chili as the basis on which she was willing to negotiate, and which were handed to Mr.

Arenas, as stated on pages 15 and 16 first protocol, it is proper to say that they were handed to the latter just as he was about to address the conference, and he did not read them before he spoke, nor were they read till after the first meeting was broken up. This may explain some of the remarks of the Peruvian and Bolivian plenipotentiaries made at the first meeting.

I wish further to say that while I think the Chilian *Government itself* was honestly desirous of peace when they accepted the mediation of the United States, and may still have wished for peace at the time of the conferences, yet from many circumstances I am satisfied or at least strongly inclined to believe that before the conferences actually took place the government had been driven by the popular clamor of its citizens, instigated and encouraged by several parties in opposition, to give up the hope, and even the purpose of making a fair and reasonable effort to secure peace, and that the government was, in effect, compelled to demand such terms as even, in their own opinion, could afford no probability of acceptance by the allies, and thus, in effect, as they must have known, to render the mediation of the United States utterly nugatory.

I am led to this conclusion,

1st. By information given me by Mr. Osborn, as to the increased violence of the popular clamor to go to Lima, and its effect upon the Chilian Government.

2d. By the fact that when I was in Chili about the last of August, and had an informal conference with the President and his Secretary of State, as well as Mr. Hunaeus, who had been authorized to confer with me, no such exorbitant terms of peace were demanded, but only the cession of Tarapaca by Peru and, as I understood, the Bolivian littoral south of it, though the latter (as to Bolivia, was left mainly to be inferred rather than expressed).

3d. From the fact that the Peruvian officers at Tacna and Arica, where I met them on the 6th, 7th, and 8th October, spoke apparently with strong hopes of peace, but after about the 18th or 20th of October, and more especially after some of the plenipotentiaries of Chili arrived at Arica, the general tone of remarks of Chilian officers seemed to have entirely changed, and they declared generally to those with whom they conversed (as reported to me) that there would be no peace, and that they expected to go to Lima.

4th. The rapid preparations making before our eyes for that expedition.

5th. The fact that when the Peruvian plenipotentiaries arrived on the Chalaco in the Bay of Arica, and during the seven or eight days they were there, none of the Chilian authorities, nor their plenipotentiaries, called upon them at all, nor offered them any civilities.

6th. That while the Peruvian vessel remained in the Bay of Arica, the Chilians took occasion to fix a target a little further out from the Morro than this vessel, and but a short distance ahead of it, and spent the whole afternoon in firing from the Morro at this target with their artillery; and the Huascar which came in while we were there and remained some two or three days, when she left, took occasion to run almost around the Chalaco, as if purposely to insult the Peruvian plenipotentiaries; and,

7th. The general tone of most of the Chilian press which I have seen, which demands not only the capture, but the sacking and pillage of Lima, which the common soldiery, as I am informed, declare has been held out to them as an inducement to volunteer, but for which I will not vouch, as I am slow to believe that any respectable officers of Chili

could be guilty of such extravagance, though subordinate enlisting officers may be.

From all present appearances I shall expect the Chilian army around Lima within about a month from this time, perhaps sooner, and possibly later, though, as it seems to me, it would be their true policy, before coming here, to take the railroad from Mollendo through Arequipa to Puno, and to hold all south of that line, which I have some suspicion they may do before coming here.

Peru has here some thirty-five thousand men to defend Lima; they are well armed, and if well drilled and commanded ought to be able to protect Lima; but they lack experience, and nothing but the actual trial can decide whether Lima can be taken. If taken I shall expect the worst, as the Chilian soldiery, though personally brave, are slightly superior in civilization to our Utes and Sioux Indians in their mode of carrying on practical warfare. Their officers may endeavor to keep them within the rules of civilized warfare, but they have hitherto failed, and I think will again fail, should they be victorious.

But, whatever may happen, I propose to remain at my post, to rely upon the protection of our flag, and afford all the protection in my power to American citizens.

I have not the time to-day to give you a full account of the various steps which have been taken by letters and by telegraph to bring about the meeting of the plenipotentiaries at Arica, and to give you copies of the various letters and telegrams which became necessary. This I must defer to a future occasion, as I think it more important now to give you the results and their causes.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 200.]

Report of Messrs. Osborn, Christiancy, and Adams to Mr. Evarts.

ON BOARD U. S. S. LACKAWANNA,
Bay of Arica, October 27, 1880.

SIR: The undersigned, ministers of the United States, accredited to the Governments of Chili, Peru, and Bolivia, respectfully report that, in pursuance of arrangements concluded by us with the governments to which we are accredited, on the 22d of October instant, the following-named plenipotentiaries met in conference in our presence on board the United States ship Lackawanna, then anchored in the Bay of Arica, for the purpose of discussing the existing complications between the three belligerents, and concluding, if possible, a peace:

Don Mariano Baptista and Don Juan Crisóstomo Carrillo, plenipotentiaries of Bolivia;

Don Eulogio Altamirano, Don José Francisco Vergara, and Don Eusebio Lillo, plenipotentiaries of Chili; and

Don Antonio Arenas and Don Aurelio García y García, plenipotentiaries of Peru.

Charles S. Rand, of Lima, was duly named secretary and interpreter for the undersigned pending the conference.

The powers of the various ministers were duly exchanged, and after a brief session the conference adjourned.

It again convened on the 25th of October, when the discussion of the subject which brought them together was entered upon and continued at length. An adjournment was finally had with the understanding that there should be another reunion on the 27th. On this latter day the conference again assembled and, after again exchanging views, the conclusion was unanimously reached that, in view of the instructions which they had received from their respective governments, it would be useless for them longer to continue their efforts for the purpose of bringing about a peace.

Having exhausted upon our part all efforts to produce a desirable result, we were reluctantly compelled to the conclusion that a dissolution of the conference was unavoidable. Thereupon the conference was declared closed.

We have the honor to inclose herein protocols of the conference in Spanish, with English translations thereof, and to remain,

Very respectfully, &c.,

THOMAS A. OSBORN,
United States Minister to Chili.
I. P. CHRISTIANCY,
United States Minister to Peru.
CHARLES ADAMS,
Minister Resident to Bolivia.

[Inclosure 2 in No. 200.—Translation.]

Protocols of the Conference held between the plenipotentiaries of Bolivia, Chili, and Peru upon the mediation offered by the United States of America.

PROTOCOL NO. 1.

On board of the North American corvette Lackawanna, in the Bay of Arica, on the twenty-second day of October, of the year one thousand eight hundred and eighty, the plenipotentiaries having met together, as follows:

For the Republic of Bolivia, his excellency Señor MARIANO BAPTISTA.

For the Republic of Chili, their excellencies Señores EULOGIO ALTAMIRANO, EUSEBIO LILLO, and Colonel Don JOSÉ FRANCISCO VERGARA, secretary of state in the departments of war and the navy.

For the Republic of Peru, their excellencies Señores ANTONIO ARENAS and AURELIO GARCÍA Y GARCÍA.

In presence of their excellencies the representatives of the Republic of the United States of North America, Mr. THOMAS A. OSBORN, accredited near the Government of Chili; Mr. ISAAC P. CHRISTIANCY, accredited near the Government of Peru, and General CHARLES ADAMS, accredited near the Government of Bolivia.

His excellency Mr. OSBORN, dean of the American ministers, stated that the three representatives of the United States had seen fit to appoint Mr. Charles S. Rand as their secretary and interpreter, and that he presumed that each legation had appointed one *ad hoc;* he begged, therefore, that if in the translations made by Mr. Rand, as interpreter, there should be observed the least inexactness, they would call attention thereto at once.

His excellency Mr. OSBORN then said that the representatives of the United States desired that the sessions of this conference should be opened with as little ceremony as may be compatible with the gravity of the occasion, and regard it as useless at this moment to enter into a consideration of the question as to the origin of the mediation proposed by the United States, or the priority of its suggestion; that it is very gratifying to record that the conference is an accomplished fact, as is attested to-day by the assembling here of the honorable members thereof; and it is hoped that it will enter upon its deliberations with an earnest purpose to bring about the high object for which it has been convened; that it is unnecessary to give assurances that the government and people of the United States feel a profound interest in the welfare of the three nations engaged in the present war; nor could it be otherwise, since the United States inaugurated republican government in America, and are, therefore, in a measure responsible for its existence here; that, having been the first to recognize the independence of these republics, they have watched with a careful eye, from that day till now, their efforts to keep pace with an advancing civilization, and have rejoiced in their progress and prosperity; that they feel that republican institutions are to-day on trial before the world, and that in bringing about a happy exit thereof all our nations here represented are equally interested; that it is but natural, therefore, that they should deeply deplore the existence of the present state of war, and should anxiously desire its termination; that it is this feeling which has inspired the present attitude of the United States, and it is the sincere hope of its government that ere this conference shall adjourn, an honorable and a lasting peace may be brought about; that the plenipotentiaries of the three republics are doubtless aware of the exact position occupied by the American representatives, yet it may not be superfluous to state that they do not propose to take any part whatever in the discussion of the questions which may come before the conference; that the bases upon which peace is to be reached are questions for the exclusive consideration of the plenipotentiaries; but that nevertheless they are ready and willing to assist the negotiators with their friendly co-operation whenever the same may seem desirable. He closed, saying: "We beg you, gentlemen, we implore you, to labor earnestly to bring about a peace, and, in the name of our government, we hope that your efforts may be crowned with success."

Mr. OSBORN then declared that the presentation and exchange of credentials was in order, which having been proceeded with, they were found to be in good and due form.

His excellency Mr. BAPTISTA caused to be noted, in presenting the credentials of his colleague, his excellency Hon. Señor JUAN CRISÓSTOMO CARRILLO, plenipotentiary of Bolivia, that the latter was prevented from being present at this first session by serious illness caused by his being upon the sea.

Mr. OSBORN then declared the sessions of the conference open.

His excellency Mr. ALTAMIRANO said that, in his own name and that of his colleagues, he hastened to comply with the charge intrusted to him by his government, manifesting that the noble and disinterested efforts made by the most worthy representatives of the American Union to put an end to the sacrifices of war had awakened the gratitude of the government and people of Chili; and that, whatever might be the result of the conferences, and even although they should not result in the bringing about of peace, Chili could never ignore the magnitude of the service rendered; that he took pleasure in recognizing the exactness of the observation of Mr. OSBORN, when in justifying the interest manifested by the great nation of the north in her development and prosperity, he recalled the fact that she had been the first to recognize the independence of Chili, adding that the proceedings of to-day evidenced that the same noble policy continued exercising its beneficent influence upon these republics. Touching the grave question of the moment, he stated that circumstances rendered it an imperative duty to endeavor to bring about an immediate solution; that, seeking for the mode of procedure best calculated to secure this end, he had thought necessary to group together in a memorandum the propositions which, according to his instructions, should form the groundwork of the treaty, in order that their excellencies the representatives of Peru and Bolivia, after duly considering them, might indicate whether the discussion could be opened upon those bases; since, proceeding otherwise, the risk would be incurred of wasting time unnecessarily, since, even were the earlier difficulties overcome, there would be no security that the last might not prove insuperable; that if this form of procedure were adopted, one copy of the memorandum referred to would be placed in the hands of his excellency Mr. ARENAS, a second in the hands of his excellency Mr. BAPTISTA, and a third copy delivered to the worthy president of the conference.

Mr. ALTAMIRANO concluded, stating that the memorandum contained only the principal demands of his government; that, later, they might be presented in another form more adequate to figure as articles of a treaty, and that, opportunely, he would present for discussion other propositions which, while of importance, had not been included in the memorandum, since, in view of their character, they were not considered as offering insuperable difficulties.

His excellency Mr. ARENAS said that his first expression in the name of the Government of Peru was one of cordial gratitude to that of the Great American Republic for the friendly attitude it had assumed during the present war in the Pacific, and for the earnest endeavors made by it for the termination of the dissensions to-day separating three republics, at one time sisters; that the government and people of Peru will never forget the elevated policy and fraternal sentiments which, from the time of her independence till to-day, have prompted the international course of the United States; that in so far as relates to the representatives of Peru in these conferences, it is his duty to declare with frank sincerity that they have come here with the idea of obtaining peace, it being always understood that it be equally honorable for Peru, for Bolivia, and for Chili; that upon this ground they will treat with entire good faith, under the guidance of the principles of honor and of justice; that he entertained the hope of reaching a settlement; but should this not be attained, there would remain to the plenipotentiaries of Peru the satisfaction of having endeavored to re-establish harmony upon this continent; that he agrees with Señor ALTAMIRANO in believing that the points to be discussed should be clearly defined so as not to lose time in the examination of indeterminate questions, and in that sense accepts the form proposed for the proceedings to be followed, adding, however, that the propositions contained in the memorandum just presented by Mr. ALTAMIRANO, of the contents of which the representatives of Peru are unaware, should be the subject of careful and serious study, for which reason he does not think it would be proper to name at once the day for the next conference, and requests, in conclusion, that the necessary time be allowed him to study the matter, offering on his part to advise his excellency Mr. Osborn, so soon as the plenipotentiaries are ready, that he may be pleased to call a further session.

His excellency Mr. BAPTISTA said that he, in turn, felt the necessity of expressing the sentiments of his government and people; that the United States had, as it were, created and modeled the democratic institutions of South America, which from their birth had developed by their example; that the United States exerted a legitimate influence upon the signification and progress of their political life; it was not strange, therefore, that its government should intervene amicably, upon the first occasion

when, according to the accurate judgment of its representatives, these very institutions are put upon trial. In order to maintain them, the Government of Bolivia will join in negotiations for peace with sincerity, with no other limits in obtaining it than right and justice, interpreted not with the help of declamation but according to the reality of events as they present themselves. He believed that the belligerent governments would seriously seek this solution, and that the elevation of ideas and of character of their excellencies the plenipotentiaries was a guarantee of effective deliberations, which would seek inspiration, not in the ephemeral excitement of the political passions of the three nationalities, but in the real, permanent, and well considered interests of the countries they represented; that as regarded the proposition of his excellency Señor ALTAMIRANO, he understood that it was not a simple memorandum of questions, but a series of propositions; that only thus would the labors of the conference be facilitated; that in this sense he accepted the proposition.

His excellency Mr. CHRISTIANCY said that he had but few words to add to what had already been said by his colleague, Mr. OSBORN, the senior representative of the United States, and in which he fully concurred; that the United States having taken the lead in the establishment of republican institutions on this continent, that government and its people felt a deep interest in the peace and prosperity of all the South American republics and of their institutions, born under the influence of their initiative; that for these reasons they desired to do all in their power, through their good offices, to promote the peace and harmony of these States; that there were many other considerations which should exert a powerful influence upon the representatives of the three belligerent nations here assembled; that the people of all were descended from one common nationality, spoke the same language, possessed the same institutions, customs, and modes of thought, and professed the same religion, and that many of them were bound together by the dearest of family ties, and that, finally, from the high and distinguished character of the illustrious representatives chosen to take part in the present conference, he looked confidently for a favorable solution.

At the suggestion of his excellency Mr. OSBORN, announcing that everything relative to the mediators, or whatsoever might interest their government, should be under the charge of their secretary, it was agreed that the protocol of the conference should be drawn up by the secretaries of the several legations. His excellency Mr. ARENAS stated that the secretary for Peru was Dr. Mariano Nicolás Valcrácel. His excellency Mr. ALTAMIRANO presented Mr. Domingo Gana as secretary for Chili, and his excellency Mr. BAPTISTA, Mr. Felix Arelino Aramayo for Bolivia.

Before adjourning it was agreed that his excellency Mr. ARENAS should indicate through his excellency Mr. OSBORN a day for the second conference, so soon as he had studied the memorandum presented by his excellency Mr. ALTAMIRANO, and which it was agreed should be inserted in the present minutes, its tenor being as follows:

"*Memorandum of the essential conditions which Chili demands in order to arrive at a peace, presented by the Chilian plenipotentiaries in the conference held on board the United States ship Lackawanna, the 22d of October*, 1880.

"First. Cession to Chili of such territory of Peru and Bolivia as extends to the south of the valley of Camarones and to the west of the line of the Andean Cordillera which separates Peru and Bolivia, as far as the valley of the Chacarilla, and to the west also of a line which, being prolonged from this point, would strike the Argentine frontier, passing through the center of Lake Ascotan.

"Second. Payment to Chili by Peru and Bolivia jointly of the sum of twenty millions of dollars, four millions whereof are to be paid in cash

"Third. Return of the properties of which Chilian citizens in Peru and Bolivia have been despoiled.

"Fourth. Return of the transport Rimac.

"Fifth. Abrogation of the secret treaty made between Peru and Bolivia in the year 1873, leaving at the same time the steps taken to bring about a confederation between the two nations void and of no effect whatever.

"Sixth. Retention on the part of Chili of the territory of Moquegua, Tacna, and Arica, occupied by Chilian forces, until the obligations to which the preceding conditions refer have been complied with.

"Seventh. An obligation on the part of Peru not to fortify the port of Arica when it shall be given up to her, nor at any time, and an undertaking that in future it shall be an exclusively commercial port."

Whereupon the session adjourned at 1 o'clock p. m.

In witness whereof they signed.

M. BAPTISTA.
JUAN C. CARRILLO.
J. F. VERGARA.
E. ALTAMIRANO.
EUS. LILLO.
ANTO. ARENAS AURELIO GA. Y GARCÍA.
THOMAS A. OSBORN.
I. P. CHRISTIANCY.
CHARLES ADAMS.

F. AVELINO ARAMAYO,
Secretary of the Bolivian Legation.
DOMINGO GANA,
Secretary of the Plenipotentiaries of Chili.
M. N. VALCÁRCEL,
Secretary of the Plenipotentiaries of Peru.
CHARLES S. RAND,
Secretary and Interpreter of the Mediators.

PROTOCOL NO. 2.

[Translation.]

On board the North American corvette Lackawanna, in the Bay of Arica, the twenty-fifth day of October, one thousand eight hundred and eighty, all the plenipotentiaries having met together, viz:

On the part of Bolivia, their excellencies Señor MARIANO BAPTISTA and Señor JUAN CRISÓSTOMO CARRILLO;

On the part of Chili, their excellencies Señores JOSÉ FRANCISCO VERGARA, secretary of state in the departments of war and the navy, EULOGIO ALTAMIRANO, and EUSEBIO LILLO;

On the part of Peru, their excellencies Señores ANTONIO ARENAS and AURELIO GARCÍA Y GARCÍA;

In the presence of the representatives of the United States of North America, his excellency Mr. THOMAS A. OSBORN, accredited near the Government of Chili, his excellency Mr. ISAAC P. CHRISTIANCY, accredited near the Government of Peru, and his excellency General CHARLES ADAMS, accredited near the Government of Bolivia.

The session was declared open at 1 o'clock, p. m.

The minutes of the preceding session were read and approved.

His excellency Mr. OSBORN inquired in what form the minutes should be signed, and it was agreed that they should be signed by all the plenipotentiaries and by the three representatives of the United States. They consequently proceeded to sign four copies, one of which remained in the office of the secretary of their excellencies the mediating ministers, another was destined for Bolivia, the third for Chili, and the remaining one for Peru.

His excellency Señor ARÉNAS then stated that the representatives of Peru had carefully studied the document presented by his excellency Mr. ALTAMIRANO, in which he sets forth, in the name of his government, the conditions under which peace may be obtained; that he waived the consideration of the words forming the title of that document, because, although some of them appeared unacceptable, he believed they had been employed without preconceived design; nor would he allude to the causes which had brought about the war, nor to the reasons which have been adduced to justify it, since a discussion of these points would be barren under present circumstances, and would only tend to remove the discussion from that calmness with which it is desirable to treat the grave question which has given rise to this conference.

Mr. ARENAS said in regard to the conditions proposed by his excellency the plenipotentiary of Chili that they had produced upon him a painful impression, since they close the door upon any reasonable or tranquil discussion; that the first one, especially, is so insurmountable an obstacle in the way of pacific negotiation that it is equivalent to an intimation to proceed no farther; that Chili has obtained advantages in the present war, holding in military occupation in consequence thereof certain districts of Peruvian and Bolivian territory over which she had never claimed any

urisdiction, but having occupied them after various combats, she to-day believes herself transformed into the owner thereof, and that her military occupation is a title of dominion; that like doctrines certainly were sustained in other times and distant regions, but in Spanish America have not been invoked from the time of the independence down to the present time, having been considered incompatible with the tutelary bases of republican institutions; they lapsed beneath the powerful influence of the existing political system, and because they were highly dangerous for all South American republics.

Leaving these general considerations, which refer to the interests and tranquillity of the nations of this section of America, his excellency proceeded to examine the first of the conditions of peace presented by Chili, in its relation to Peru. The Republic of Peru, he said, by reason of its predominant ideas, the principles it professes, and the feelings animating all classes of society, is incapable of consenting to the seizure of any portion of her territory, and still less of that which to-day constitutes the principal source of her wealth. He was not unaware that nations, in the absence of a supreme judge who might settle their controversies, generally decide them upon the battle-field, the conqueror who has obtained the decisive victory (which is not the case in the present war) exacting that the party conquered, and without the means of continuing the struggle, shall yield to the demands which were the cause of hostilities; that in Peru these ideas are rooted in the public mind, being those professed and respected in republican America, and that he therefore believes, taking into consideration the present situation of the belligerents, a peace which was founded upon a cession of territory and a revival of the obsolete right of conquest would be an impossible peace; that even were the plenipotentiaries of Peru to accept and their government to ratify it—a supposition impossible to entertain—national sentiment would reject it and the continuation of the war be inevitable; that if the first condition be insisted upon, presenting it as indispensable in order to arrive at a settlement, all hope of peace must be relinquished, the efforts now being made become fruitless, with the prospect of new and disastrous hostilities before the belligerents; that, finally, the representatives of Peru deplore this result, not merely as patriots, but as Americans and as sincere friends of humanity. The fault cannot be imputed to them or to their government, since, if these negotiations fail, it will be through the influence of certain passions which have become inflamed so as to present as necessary the carrying on of a war of extermination, the consequences of which, if they be not measured to-day, will be suffered to-morrow.

His excellency Mr. ALTAMIRANO inquired if either of the representatives of Bolivia desired to add anything to the remarks of his excellency Mr. ARENAS, in order that his reply might embrace the joint expression of opinion of the allies.

His excellency Mr. BAPTISTA stated that he would prefer to hear the reply of one of the representatives of Chili to the plenipotentiary of Peru who had just spoken, after which he would manifest his views in regard to the rights of Bolivia.

His excellency Mr. ALTAMIRANO said that he found it difficult to describe the impression made upon him by the remarkable discourse of his excellency Mr. ARENAS. It is partly a painful one, since, after these utterances, all hope of a proximate peace seems vain, and yet it is to a certain extent grateful, since, as he hastens to acknowledge, he finds there all that clearness, all that firmness, all that honorable frankness which the statesman should employ when the honor and future of his country are in question.

For his own part, added his excellency Mr. ALTAMIRANO, he would proceed likewise to manifest the opinion of his government, which is in perfect harmony with that of his country, and would endeavor, in imitation of his excellency Mr. ARENAS, to express that opinion with perfect clearness and frankness.

In the first place, he declared that, in drawing up the memorandum, neither he nor his colleagues had the intention of employing any word which might appear unacceptable to their excellencies the representatives of Peru and Bolivia, and asked that a note be made of this manifestation. That paper was a simple memorandum, which, according to the intention of the first impulse, was not intended to figure among the documents of the conference.

Having made this declaration, which he trusted would be accepted, he would enter upon the principal question, as desired by his excellency Mr. BAPTISTA, and in so doing he would not swerve, for any consideration, from his firm intention not to contribute to leading the debate from proper limits. Keeping this end in view, he would not recall the origin and causes of this war, since it might bring up painful memories and recriminations; but would here place upon record that his government had sustained its lack of responsibility for events which have arrayed in arms three sister nations, and which cause the shedding to-day of the most precious blood of their children.

Chili, accepting the war as a painful necessity, threw herself into it without thinking of the sacrifices it imposed upon her, and in defending her rights and the honor of her flag, has sacrificed her dearest sons and spent her treasure without stint.

Such being the situation, her government has accepted with sincerity the idea of bringing the war to a close, always with the understanding that it be possible to attain a lasting peace, which shall compensate the sacrifices made, and permit Chili to return to labor, which is her existence. His government believes that to give these conditions to a peace, it is indispensable to advance her line of frontier. She would thus endeavor partly to compensate the great sacrifices made by the country, and insure the peace of the future. This demand is, for the Government of Chili, for the country, and for the plenipotentiaries who speak in her name, at this moment, indeclinable, because it is just.

The regions extending to the south of Camarones owe their present development and their progress entirely to Chilian labor and Chilian capital. The desert had been fertilized by the sweat of her laboring men before it was watered by the blood of her heroes.

To withdraw the authority and the flag of Chili from Camarones would be a cowardly abandonment of thousands of her citizens, and a return, with aggravation, to the old and untenable situation.

His excellency Señor ALTAMIRANO continued, saying that he could not conceive how his excellency Señor ARENAS could affirm that this pretension of Chili was in conflict with accepted principles and with established practice. The history of all modern wars contradicts his excellency and the examples of ratification of frontiers in America are numerous and belong to contemporaneous history. In the so-called conquest by Chili there is but one new phase, the fact that the territory in question, as he had stated a moment since, owes its present *status* to Chilian labor and enterprise.

I again repeat, Chili cannot withdraw her flag from that territory. The plenipotentiaries of Chili cannot sign any treaty so providing, or, should they sign it, their government and country would refuse their sanction.

His excellency Dr. ARENAS stated that he would not refute, point by point, the arguments of his excellency Señor ALTAMIRANO, since such refutation would be barren of results. Judging from the remarks he had just heard, Chili would not recede from her demands. There might be, nevertheless, in the opinion of his excellency, some means which, without compromising the future, might conduce to an honorable and permanent peace. He believed that the people of this continent have political and social affinities; that the animosities born of the momentary struggle are not to be eternal, and hence deduces the necessity for resolving this question with elevated judgment and abnegation of sentiment.

His excellency Mr. CHRISTIANCY suggested that, as the Chilian plenipotentiaries had submitted certain propositions to those of Peru and Bolivia, which had been combated in this conference, so, perhaps, the latter might in turn present a proposal or a series of proposals tending to reach a solution. It might thus appear, perhaps, that the differences are not so irreconcilable as at first they may seem, and a practical as well as favorable result be attained.

His excellency Señor BAPTISTA said: "The categorical declarations of his excellency Señor ALTAMIRANO appear to close the door to discussion. I appreciate, on the other hand, the frankness and courtesy with which he has proceeded. I will endeavor to keep pace with him in dignity of expression and clearness of reasoning. Let my words, therefore, if of no higher worth, be taken as the expression of our opinions. Their object is twofold; the one will be the collective statement of our views, the other, and individual utterance of my own.

"We, the plenipotentiaries of Bolivia, find ourselves in perfect accord with the explicit declarations of his excellency Señor ARENAS upon the fundamental point of the acquisition of territory, be it called advance, cession, compensation, or conquest, and we so think, inspired by the origin and development of the political life of our America. We obey that first impulse which fifty years ago launched her upon her well-marked and hitherto unchecked career. There was error, perhaps, in not strictly obeying, from the beginning, the direction which a true appreciation of the future of the continent imposed upon our statesmen. Children of a common parent, mingling in one common mode of life, nourished by the same blood, bound by the same religion, animated by that bulwark handed down from the mother country, and the only one she saved in her decadence, the municipality; divided at most in local sections, it seems that the expansion of public life among us ought to have been more in common, more reciprocal, and more united. This was demonstrated by the undivided achievement of our independence, in which we labored as one family, without distinction of flag, pressing onward from La Plata, mingled in Chili, grouped together as a single, army in Upper and Lower Peru. In the hour of our emancipation it would seem, therefore, that we ought to have constituted ourselves into one grand autonomy, sectionally divided, instead of breaking it up into jealous nationalities, which, thanks to those artificial combinations, might become hostile. So felt our great men, and they early endeavored to lead us back to our primitive source of expansion. But their efforts, from the time of Bolivar, have been by means of ineffectual decrees and declarations, which, so far as they influenced our real life, went no further than mere

aspirations. The men of forethought then considered that the desired reactions should be sought through other methods, more practical and more applicable to designs so vast. To endeavor to unite, successively and gradually, our different nationalities by the inducements of their mutual interests, to unify their economic and fiscal systems, to advance gradually by compacts that should draw us still more closely together, these were the aim and object of every truly American thought and sentiment. So my government understood it, and with this object in view it endeavored to develop its national policy in the treaty of alliance which unites it with the people of Peru. It is to be regretted that the unexpected and violent nature of subsequent events should have falsified the true and natural commentary of that treaty. Intrinsically considered, properly studied, it was nothing more than a first agreement, the initial basis of American solidarity. It signifies peace on the frontiers, an open stipulation so that all might intervene to satisfy this first necessity. The Argentine Republic was invited, and in the counsels of my country it was then thought most natural and most proper to tender a similar invitation to the Republic of Chili.

"Another movement, notable in both republics, that of confederation, has the same motives and tends to satisfy the same needs. For this, there are in Bolivia two parties, which for a moment differed upon the question of method, but finally agreed to reject all tumultuous action, all appeal to popular clamor, leaving to the public conscience, prudently ascertained, to the criterion of the people, tranquilly consulted, the study and the acceptance of the new project, the discussion of which should be far removed from the warlike atmosphere now surrounding us and transferred with studious calm to its proper region, that of peace, since by its very nature it cannot be an instrument of war, but rather a pledge of successive conciliations. This is not a digression, but a necessary antecedent to the considerations which follow. We are passing through a crisis which tends to turn us aside from these special precedents, and from that historical current which should mold and influence the traits peculiar to our American life. One great deviation, until now unique, was that of Paraguay, which has dazzled the political conscience of some statesmen. America may perhaps be unable to resist a second and more extensive example. She would oscillate in her career irremediably. Let us not place in her bosom a perpetual source of uneasiness. Let us not station on the frontiers of her republics watchful and jealous powers, each mistrustful of the other, and absorbing, for their constantly increasing land and naval armaments, the very life blood of the country. Our legitimate expansion, that to which we have a natural right, is that of trade, of communication, of the employment of capital, in all of which the most powerful nation will best succeed. As conquerors and conquered, we should equally suffer from an abnormal condition of affairs, which would leave for the one the sullen labor of revenge, and for the other the sterile and costly task of preventing it. The reasons given by Mr. ALTAMIRANO, to justify the necessity of his first condition, would be more than satisfied by the study of another proposition, which I beg to present as a simple personal indication of my own. I declare frankly that the natural results of success should be recognized and accepted. In the course of this campaign the advantages are on the side of Chili. Let us shape our action according to the requirements of the events of the war as they have occurred. It may, therefore, be assumed that the payment of an indemnity to Chili would be just. Let her retain the territory occupied as security, and let proper measures be taken to satisfy the demands which could justly be made against us out of the revenue derived from the same territory. This course could protect and guarantee the interests of all, and might be supplemented by other measures, which should insure satisfactorily the property and enterprises of Chili.

We are in perfect harmony with his excellency Señor ARENAS in recognizing and respecting the elevated intention prompting his excellency Señor ALTAMIRANO in the drawing up of his propositions. The ambiguous meaning of certain expressions, such as those of essential conditions which Chili demands, which at first sight seemed to bar the entrance to a free discussion among the plenipotentiaries, disappears before his loyal explanation. I repeat, there is no reason to dwell a moment longer upon this incident. To sum up, we do not accept the appropriation of the territory as a simple result of belligerent acts, whatever the name to the seizure. But I yet hope that a ground of discussion may present itself, whereon conciliatory measures may find room."

His excellency Señor ALTAMIRANO observed that he found himself obliged to return to the discussion, since he could not permit the remarks of his excellency Señor BAPTISTA to pass unnoticed. In his eloquent discourse, and defending the policy of the government of his country, his excellency has presented the treaty, which, in 1873, united Bolivia and Peru with a common purpose, as a frank and honest manifestation of the earnest effort of Bolivia to bring more closely together these nations, now unfortunately at variance, and states that they should march together, recalling the fact that they made the campaign of independence side by side, and that the destiny awaiting them in the future is the same. His excellency Señor ALTAMIRANO added that he recognized the astonishing ability with which his excellency Señor BAPTISTA in his

discourse upon the signification and reach of the treaty of 1873, had avoided the shoals; but his excellency will permit him, without qualifying that act of international policy, and without recalling the intent concealed between the lines of its text, to here enter protest and again repeat with his government that in that compact is to be found the justification of the attitude of Chili and her demands. For the rest, he joins with enthusiasm in the noble and elevated views of his excellency the plenipotentiary of Bolivia, when he asks for these countries that union which is strength, and in the future will be the only source of their greatness and of the world's respect.

But, speaking in the presence of Americans, the representatives of Chili do not need to recall the earnest efforts of their government, nor what offerings or of what value, those she has laid upon the altar of American union and fraternity. Far less is this required in the presence of eminent Peruvians and Bolivians, who know the history of their country, since they themselves have helped to make it.

The representatives of Chili may rest tranquilly therefore; neither their government nor their country can be accused of employing a policy of hatred, nor of seeking her aggrandizement in the ruin of those she had called her brethren.

The solutions to this question are not infinite. There are, perhaps, but two; that indicated by Chili, and that which his excellency Señor BAPTISTA has been pleased to suggest. If the plenipotentiary of Chili declared for his part in the first conference that the condition proposed was indeclinable, and now repeats it, it was because his government considers the second combination deficient and inacceptable.

It is sad, he observed in conclusion, to have to resist appeals such as those which have just been made to us by their excellencies Messrs. ARENAS and BAPTISTA, but if the extension of the frontier be an insuperable obstacle to peace, Chili cannot, ought not, to remove that obstacle.

His excellency Señor GARCÍA Y GARCÍA stated that he would not have uttered a single word after the brilliant efforts of his colleagues, their excellencies Señores ARENAS and BAPTISTA, who have so fully gone over the ground in defense of the unquestionable rights of Peru and Bolivia, if certain doctrines developed by his excellency Señor ALTAMIRANO had not rendered necessary a rectification, demanded by the prestige of America, and which, derived from her history and her traditions, exhibits the sentiments of Peru and her loyal international policy in all epochs. At the same time his excellency will endeavor to develop an idea already put forth, offering the clearest evidence of the spirit of justice with which he has come to these conferences.

He had given profound attention, said his excellency Señor GARCÍA Y GARCÍA, to the remarks of his excellency Mr. OSBORN, when, in the inaugural session, he said that the Government of the United States was to a certain extent responsible before the world in regard to the republics of the new continent, derived from the political principles and system of government which the former had implanted by their example, and which, under no circumstances, should be allowed to fall into discredit. These fraternal declarations are doubtless founded upon that great principle, uttered as a notification in the face of the world by one of the most illustrious Presidents of the Union, and practically maintained by all of his worthy successors. "America for the Americans," exclaimed President Monroe upon a solemn occasion, and in framing that immortal sentence he established the foundations of the new American public law, which, destroying all hope of usurpation, banished forever from the new continent those lords of divine right so well schooled to conquest as the surest means of expanding their territory. Hence it follows, since right and justice are one, and equally applicable abroad and at home, that the right of territorial sovereignty in America can only be voided by the spontaneous consent of nations, ratified by the approbation of the respective peoples. If, unfortunately, these prudent maxims be disregarded or violated, there would be at once sown broadcast the seeds of interminable dissensions, like those which with frequency occur on the old continent, and which would compel each State, as his excellency Señor BAPTISTA has well said, to maintain those immense armies and navies, the insatiable guardians of what they are pleased to call "armed peace or European equilibrium," which are nothing more than the precautions taken by each to avoid being dismembered or absorbed by the other, his neighbor.

Peru does not boast of her observance of these principles, nor has she awakened to them in consequence of the reverses suffered by her during the present war. This was her invariable course when, having been provoked into a rash and inconsiderate war in 1858, she held sway with her then powerful fleet over the entire Ecuadorian coast and adjacent islands, and occupied with her army the flourishing province of Guayaquil. How tempting the opportunity for an ambitious state. Nothing was easier than to have held permanent possession of that rich naval station, which would have been of such utility to Peru; but her interest gave way before her respect for the territorial integrity of nations constituted at the birth of republican America; and it is well known, your excellencies will remember, that once satisfied. and leaving many benefits behind, Peru abandoned those shores, without carrying with her even a sample of their sands.

Nor is it possible for his excellency Señor GARCÍA Y GARCÍA, as he desires to place

upon record, to pass over in silence one of the reasons given by his excellency Señor ALTAMIRANO as a singular title for the dominion which Chili seeks to establish over the territory of Tarapaca. He remembers that his excellency the plenipotentiary of Chili maintained that the entire population of that province being Chilian, and the capital and labor employed in its establishments being likewise Chilian, therefore to them belongs possession of the territory.

While his excellency Señor GARCÍA waves the consideration of the extension of "entire," as employed by his excellency Señor ALTAMIRANO, since, as the expression is totally at variance with the facts, he cannot believe that he would pretend to sustain it, nor that such was his intention, he cannot restrain the natural expression of his surprise at hearing reasoning so remarkable from one whose profound learning and elevated political stature render him a figure in American history he has ever contemplated with admiration. But his astonishment is greater upon reflecting that such views have been uttered in the presence of their excellencies, the three mediating ministers, whose great nation owes its immense development precisely to the foreign capital and labor which daily flow to its shores.

"With what hilarity," he exclaimed, "would be received in the political circles of Washington, the doctrine that should assert the right of Prince Bismarck to annex some of the newer Western States to the German Empire, the bulk of their population being German; or that Her Majesty Queen Victoria could, under like title, take possession of New York, a large portion of the inhabitants whereof are Irishmen!"

Having thus brought to mind the political principles briefly alluded to, and which are the only sure foundations of peace in America, having mentioned the historical fact, to which allusion has just been made, and to which other similar historical data are not added, for the sake of brevity, he added that he applauded the rectitude of views in which his excellency Señor BAPTISTA abounded, nor could it be otherwise; but deeming it indispensable to give to those ideas a tangible form, as it were, that shall carry conviction of our good faith to those dispassionate observers who are contemplating these republics; that shall satisfy our common decorum, and silence the exaggerations that may arise in our respective countries, he proposes that all the points of these differences to which his excellency Señor BAPTISTA has alluded, and which shall be detailed in posterior discussions, be submitted to the arbitration without appeal of the Government of the United States of America, called to that high position by their elevated morality, their position on the continent, and the spirit of concord manifested impartially in favor of all the belligerent nations here represented.

His excellency Señor ARENAS added, seconding the views of his excellency Señor GARCÍA Y GARCÍA, that the arbitration proposed is the most practical and decorous solution that could be reached, abandoning thus the crooked paths trodden by these countries since the war began. He begged, once and again, their excellencies the representatives of Chili to ponder and meditate upon the direful consequences of a contrary determination.

His excellency Mr. VÉRGARA said that it was not his intention in taking the floor to follow his excellency Señor GARCÍA Y GARCÍA through the various points of the argument to which he had just listened. He would confine himself to the proposal of arbitration which had been presented for debate, in order to declare peremptorily in the name of his government and in that of his colleagues that he does not accept it, in any form whatever. Chili has always professed a decided preference for this rational and equitable mode of procedure for the settlement of international questions, considering it as most in conformity with the tendencies of modern civilization, as well as the most suitable to her own. She has furnished evidence of this in all her disagreements with other nations, and very specially in the question which has brought about the present war. Before taking up arms and appealing to force, she repeatedly proposed to lay before an arbiter the settlement of the difficulty. Her voice was unheard, and she found herself unwillingly dragged into war.

Launched upon this course, which has demanded enormous efforts and sacrifices, Chili has succeeded, through the repeated triumphs of her arms, in placing herself in a position of vantage permitting her to demand a peace, guaranteeing the future and compensating the injuries she has received and the sacrifices imposed upon her. As she has incurred all the risks of war, exposing herself to the disastrous consequences of reverses of fortune, so also should she enjoy her unquestionable right to profit by the advantages given her by their successful result. Chili seeks an enduring peace, which shall consult both her present and future interests, which shall be proportioned to the elements and power she possesses to obtain it, to the labor already performed, and to well-founded national aspirations. This peace she will negotiate directly with her adversaries when they accept the conditions she deems necessary for her security, and there is no reason whatever why she should deliver up to other hands, honorable and secure as they may be, the decision of her destinies. For these reasons she declares that she rejects the proposed arbitration.

His excellency Señor LILLO said that he had not expected to have addressed this solemn conference, but the proposal of arbitration presented by his excellency Señor

GARCÍA Y GARCÍA compelled him to forego his intention. He believed it his duty to fully indorse the rejection of that proposal already manifested by his honorable colleague, Señor VERGARA.

He understood and accepted arbitration when it was desired to avoid a war. This is the most worthy, the nobler course, harmonizing best with the principles of civilization and fraternity which should guide enlightened nations, and more especially those who by their antecedents and intimate relations form a single family; but arbitration has its opportune moment, and this, for the negotiations of peace which occupy us to-day, has unfortunately passed.

Arbitration, after the struggle and after the victory, cannot be a solution acceptable to Chili. What could she ask of the arbiter? That he value the sacrifices made by Chili in a war to which she had been provoked? That he estimate the price of the blood of her sons? That he calculate the indemnity due to her efforts? That he foresee all that would be required in the future, so that she should not be under the painful necessity of having again to take up arms in defense of her rights and her tranquillity?

Solutions to questions like these, after costly and sanguinary victories, can and ought only to be given by the nation which has crowned such sacrifices by success.

His excellency one of the plenipotentiaries of Bolivia has invoked American fraternity, and the necessity of not causing antecedents to figure in the settlement of this contest which might establish in the public law of these countries the idea of conquest. The speaker accepted and applauded the sentiments of fraternity alluded to, but war will be more difficult in the future in proportion as the sacrifices it imposes are greater for those who attempt to provoke it.

Chili neither desires nor will she ever consent to establish the right of conquest. What she asks is a just compensation for her sacrifices in this fatal struggle, and protection to communities essentially Chilian, who would not accept the fact of their abandonment, since they live and flourish to-day under the shadow of her flag.

Cession of territory, after great advantages obtained in war, is a fact which has frequently occurred in republican America in modern times. Nations which have so acted have had no reason to repent, since, while seeking just compensation for their efforts, they carried wealth and progress to the regions surrendered to them.

Arbitration, and arbitration at the hands of the great nation, model of republican institutions, will be always accepted by Chili with the applause of the people; but the opportune moment has gone by, and to accept it, under present circumstances, would be, for Chili, an act of vacillation and of weakness.

He understood that the plan proposed by his excellency Señor BAPTISTA might be taken into consideration. According to it, Chili would fix her war indemnity and her conditions, retaining possession of the Peruvian territory now occupied by her arms, as a guarantee, until she should receive the satisfaction of her demands. He repeats that he understands this solution, but it is not that which the instructions of their government impose upon them, and although personally he thinks these indications worthy of consideration, he is compelled to remain within the limits of the instructions received.

His excellency Mr. CARRILLO said:

"The grave and positive declarations which have been made in regard to the principal proposition presented are calculated to almost extinguish the hope of a peaceful arrangement. Nevertheless, the idea is so grand, so great the interest of the questions submitted to the deliberations of this honorable assembly of plenipotentiaries, that I deem it indispensable to endeavor, if possible, yet to find a formula of acceptable solution, which if not immediately considered, as being irreconcilable with existing instructions, might be submitted by their excellencies, the plenipotentiaries, to their respective governments.

"Arbitration has just been proposed, and in this highly conciliatory measure may perhaps be found a peaceful solution.

"We cannot ignore that the deliberations of the present conference attract, at this moment, the attention of the civilized world. Here is to be decided, not only the fate and future of the three republics, but the great interests of America. The precedents for the new public law of South America are about to be established, a legislation which, from the especial character of its conditions, cannot but diverge from European doctrines. There the traditions of predominence, the diversity and tendency of races to unification, maintain a permanent struggle between the past and progress. Europe, in spite of her noble aspirations, still finds herself confined within a circle of iron from which she cannot escape. In the meanwhile America, formed of peoples ushered into political life by their own exertions, and established under identical institutions, knows no other tradition than that of having struggled against conquest and against the mastery of force, from which she has separated forever. With her, wars of preponderance have no reason to exist, and even the practices of war must become less disastrous and cruel.

"Thus international disagreements, however grave, between nations closely bound

by their origin and common destiny, should in preference be settled by conciliatory methods, such as the proposed arbitration. Arbitration, your excellencies, as an honorable expedient, is the supreme aspiration of nations, and there is no question, however grave and difficult, that cannot, by this means, reach a most satisfactory result.

"The only objection that has been urged against abitration consists in that, in the opinion of his excellency Señor LILLO, the Republic of Chili cannot permit that a third party estimate the price of the blood of her sons, or the value of her sacrifices. I fail to find sufficient solidity in this reasoning. The very expression, 'estimate the price of blood,' is not in my opinion the most proper. The arbitrator, in his high impartiality, would appreciate the demands of the Government of Chili, with due reference to her sacrifices, to the blood shed and to the advantages obtained, up to the present, in the field. If these demands are just, if the blood that has been shed confers upon a belligerent the right to obtain concessions, if the securing of peace requires sacrifices from the other states, even to the modification of their international frontiers, and if all this is in conformity with the rights of war, the friendly power, constituted by common confidence into a tribunal of arbitration, will so decide; its award will consult that which is most equitable, most proper for the establishment of a lasting peace. If this procedure is worthy of all concerned, there is no reason to doubt that the arbitrator would consult the interest of Chili, in the state in which the war is at this moment. This decision would come out from the sacred regions of impartiality, it would be the calm expression emanating from justice, and would bring with it reconciliation and true peace, entirely honorable for Chili and acceptable without humiliation by the other republics.

"If the arbitral award should prove adverse to the interests of Bolivia and of Peru, and should declare the necessity of territorial concessions, the allied republics, even in this case, would bow to this decision in homage to this supreme tribunal of nations.

"For the first time and at the expiration of more than a year of war, too protracted for young republics who are sacrificing their population and their resources, has the voice of reason instead of force, for the decision of the question of the Pacific, been raised by an American nation. The only expedient remaining is arbitration; through it American interests and republican institutions may yet be saved.

"From the midst of Europe, where international boundaries are frequently changed in contradiction to the progress of right; where a race or a power rules over another to-day, to be in turn perturbed to-morrow; from there the brightest minds, the profoundest thinkers, contemplate America as the true country of the justice, the equality, and the fraternity of nations. From that continent is sent forth the brilliant light of progress and justice to find unobstructed realization in America.

"Will the Republic of Chili, which has attained, earlier than the rest, remarkable progress, and which is consequently called upon to march in the van of this movement, introduce into the policy of America the practices imposed upon Europe for reasons adverse to progress?

"I recall another argument against arbitration, 'that it could only be accepted before war.' Arbitration, your excellencies, which reconciles all differences, is acceptable, in my judgment, at the outset of a war, to prevent it, during its course, to stop its ravages, and up to the close of the contest, in honor of the victor, who should have the wise foresight to leave the declaration of conditions to the arbitration of a respected neutral power. Victory would thus insure her advantages, and achieve peace without the hatred of the vanquished.

"Moreover, international arbitration is distinct from that employed in questions of private interest. In these the judge confines himself to the decision of the original question, its conditions remaining unaltered. International disagreements are appreciated and decided with all amplitude, and according to the condition of the parties or the belligerents, and in conformity to the rights derived from the war.

"The proposition of my colleague, his excellency Señor BAPTISTA, has been expressed as his private opinion; for my own part, I indorse it, and am persuaded that, for the sake of great international interests, it will be approved by the government of my country. I renew it therefore in this form: '*Statu quo* of the territory occupied by the forces of Chili, pending the decision of the tribunal of arbitration proposed upon all points in dispute;' a solution frank and American.

"Before concluding, I deem it opportune to state that when the respected mediation of the most excellent Government of the United States of America was offered to Bolivia, my government, as well as public opinion, felt satisfied that peace would result; for that mediation was accompanied by another word—arbitration—which signifies justice and honor for all, humiliation to none.

"In this persuasion, and with a policy of frankness, the Bolivian plenipotentiaries have come to this conference."

His excellency Mr. OSBORN remarked that it seemed proper to him, as well as to his colleagues, to place upon record that the Government of the United States does not seek the position of arbiter in this question. A strict compliance with the duties inherent to that position would involve much trouble and great labor, and while he

could not doubt that his government would accept the position if duly requested to do so, it was nevertheless proper that it be understood that its representatives did not court that distinction.

His excellency Señor ALTAMIRANO stated that, after the brilliant argument just made by his excellency Señor CARRILLO, in favor of the abitration proposed by his excellency Señor GARCÍA Y GARCÍA, he is compelled to once more weary the conference with his remarks:

It is very painful for him and for his colleagues, and doubtless will be for his government, to refuse a proposal for arbitration; to decline to accept a judge so highly placed and so nobly inspired as the Government of the United States.

It is necessary, therefore, to clearly establish that arbitration is the standard which Chili has invariably raised in her international questions, and it is, above all, necessary to remember that, in order to avoid this sanguinary war, she also offered to appeal to judges before drawing the sword. That was the moment, and it is most deplorable that her offer was not accepted.

According to his excellency Señor CARRILLO, if this conference should close with the acceptance of arbitration it would be an epoch of glory for America, and a just, lofty, and noble policy would be inaugurated for the future.

His excellency Mr. ALTAMIRANO concurred with his excellency in the desire to see arbitration elevated to the position of the sole and obligatory method of deciding differences between nations; but if it were in the present instance accepted by the plenipotentiaries of Chili, they would be justly accused and justly condemned at home as guilty of desertion from duty, and almost of treason to the clearest rights and interests of their country.

He warmly indorses his colleagues, therefore, in their rejection of the proposal of his excellency Señor GARCÍA Y GARCÍA, and would here conclude were it not that he must address a single word to that honorable gentleman.

His excellency Señor GARCÍA Y GARCÍA rejecting indignantly, in the name of civilization, the principle of conquest invoked by Chili, has reminded us that Peru, when victorious in Guayaquil, withdrew without carrying away a grain of her sands, and leaving behind her the memory of many benefits.

Señor ALTAMIRANO does not propose to give a course of history, since for his part he does not wish that the tone of these discussions, hitherto calm and dignified, should be changed by any act of his; but should he do so, he might find examples of rectifications of boundary, perhaps of the very line separating Peru from Ecuador; but this would be useless, and after the declarations made, would lead to nothing.

His excellency Mr. OSBORN inquired whether any one of those present desired to take the floor, and no one expressing a wish to do so, declared the conference adjourned until Wednesday, the 27th, at 12 o'clock noon, and the session closed at 4 p. m.

M. BAPTISTA.
JUAN C. CARRILLO.
J. F. VERGARA.
E. ALTAMIRANO.
EUS. LILLO.
ANTONIO ARENAS.
AURELIO GARCÍA Y GARCÍA.
THOMAS A. OSBORN.
I. P. CHRISTIANCY.
CHARLES ADAMS.

F. AVELINO ARAMAYO,
Secretary of the Bolivian Legation.
DOMINGO GANA,
Secretary of the Plenipotentiaries of Chili.
M. N. VALCÁRCEL,
Secretary of the Plenipotentiaries of Peru.
CHARLES S. RAND,
Secretary and Interpreter of the Mediators.

PROTOCOL No. 3.

[Translation:]

On board of the North American corvette Lackawanna, in the bay of Arica, on the twenty-seventh day of October, 1880, all the plenipotentiaries having met together, viz:

On the part of Bolivia, their excellencies Dr. D. MARIANO BAPTISTA and Dr. Don JUAN CRISÓSTOMO CARRILLO.

On the part of Chili, their excellencies Señores D. JOSÉ FRANCISCO VERGARA, secretary of state in the departments of war and the navy, D. EULOGIO ALTAMIRANO, and D. EUSEBIO LILLO.

On the part of Peru, their excellencies Dr. D. ANTONIO ARENAS and D. AURELIO GARCÍA Y GARCÍA.

In the presence of their excellencies, the mediating ministers of the United States of America, THOMAS A. OSBORN, esq., ISAAC P. CHRISTIANCY, esq., and General CHARLES ADAMS.

His excellency Mr. OSBORN expressed his thanks to their excellencies the plenipotentiaries for their presence, and his hope that the time which had elapsed since the preceding session may have allowed them to discover some means of arranging existing difficulties.

He then declared the conference open.

The minutes of the preceding meeting were read and approved.

Mr. OSBORN then signified his readiness to hear any suggestions that it might be thought proper to make.

He then addressed himself to each one of their excellencies the plenipotentiaries of Chili, asking him if he had anything to observe in relation to the matters under discussion. Their excellencies the plenipotentiaries of Chili stated that in conformity to their instructions it was impossible for them to make any modification whatever in the condition laid down.

His excellency Mr. OSBORN then invited each one of their excellencies the plenipotentiaries of Peru to manifest, if so disposed, their ideas upon the subject. Their excellencies the plenipotentiaries of Peru declared, in reply, that as Chili insisted upon the maintaining of the first condition, and the arbitration proposed by them not having been accepted, it was impossible for them to go into an examination of the other conditions; that every door had been closed to them, and the continuation of the war rendered necessary; and that the responsibility of its consequences must not rest upon Peru, who had indicated a decorous means of reaching peace.

His excellency Mr. OSBORN invited in turn their excellencies the plenipotentiaries of Bolivia to make known their ideas, and they stated that for their part they considered the situation to be clearly and sharply defined. There is one condition, the first presented by their excellencies the plenipotentiaries of Chili, as indeclinable, which the allies cannot accept. There is another, that of arbitration, suggested by their excellencies the plenipotentiaries of the allied republics and rejected by those of Chili; and there is finally a third, which has been proposed separately by the representatives of Bolivia, but which has not been taken into consideration. They consider, in view of this result, that the negotiation has reached its close, and regret that the political situation of the respective countries should not have permitted a common agreement to have been reached.

His excellency Mr. OSBORN declared that he and his colleagues profoundly lament that the conference should not have yielded the pacific and conciliatory results hoped from it, and believe that the same impression will be made upon the government and people of the United States when the fact is communicated to them that the friendly mediation of the United States has been fruitless.

He therefore declared the conference closed, in witness whereof they signed.

M. BAPTISTA.
JUAN C. CARRILLO.
J. F. VERGARA.
E. ALTAMIRANO.
EUS. LILLO.
ANTONIO ARENAS.
AURELIO GARCÍA Y GARCÍA.
THOMAS A. OSBORN.
I. P. CHRISTIANCY.
CHARLES ADAMS.

F. AVELINO ARAMAYO,
Secretary of the Bolivian Legation.
DOMINGO GANA,
Secretary of the Plenipotentiaries of Chili.
M. N. VALCÁRCEL,
Secretary of the Plenipotentiaries of Peru.
CHARLES S. RAND,
Secretary and Interpreter of the Mediators.

No. 286.

Mr. Christiancy to Mr. Evarts.

No. 202.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 2, 1880. (Received December 6.)

SIR: I deem it proper to explain to you the causes of my sending you the telegrams of the 28th October from Arica and that of November 1 from here, and the facts and circumstances under which they were sent.

When the conferences at Arica had completely failed, on the 27th October I proposed to Mr. Osborn (who was the senior minister of the United States, who had presided at the conferences) that he should telegraph to you, not only the fact that the conferences had failed, but that the two points of disagreement which lead to that disagreement, viz, the refusal of Peru to cede Tarapaca and the rejection by Chili of the arbitration of the United States. He seemed to be particularly anxious to avoid telegraphing that Chili had refused the arbitration of the United States, and declared that he should only telegraph you that "the conference had ended without result." I then informed him that I thought it proper to let you know the points of difference which caused the failure to agree, and that I proposed to telegraph that Peru refused to cede Tarapaca and Chili rejected the proposed arbitration of the United States. Upon the last point Mr. Osborn, I thought, seemed to be peculiarly sensitive and very unwilling that it should be announced that Chili had rejected the arbitration of the United States.

Supposing that he would telegraph as he had proposed, I prepared a dispatch in the following words, which I thought would supplement his, viz: "Peru refuses Tarapaca; Chili refuses arbitration of the United States."

But when I found that it would cost nearly $200 to send it, I hesitated, thinking you might deem it unnecessary after Mr. Osborn's dispatch. But on consulting the Peruvian negotiators they thought it very important that my dispatch should be sent, and offered to pay the expense. I therefore sent it, and they paid the expense, $100 in silver and $66.66 in gold.

After arriving here the Peruvian Government, believing that my dispatch from Arica had probably been suppressed in Chili, through which it had to pass, wished me to telegraph to you via Panama, they paying the expense. I therefore telegraphed you from here November 1 to same effect via Panama, to be sent there by mail from here, Peru paying the expense.

I have, &c.,

I. P. CHRISTIANCY.

No. 287.

Mr. Christiancy to Mr. Evarts.

No. 204.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 5, 1880. (Received December 17.)

SIR: Referring to my dispatch No. 200, which was written in great haste to be got off to Chimbote by steamer Adams, I notice that I omitted one fact which it may be important for you to understand.

The basis of negotiations, so far as related to the acquisition of territory by Chili, as foreshadowed by Mr. Baptista, viz, that a certain sum should be agreed upon as due to Chili for the expenses of the war, and that Chili should retain the possession of the whole or a part of the territory now in her possession as security for the payment of that sum, seemed to me to offer the only light out of the dead-lock in which the parties found themselves. I therefore urged upon the Peruvian plenipotentiaries that they should make a proposition upon this basis. I was, in reply, told by them that they would have been quite willing to do so if they had not been precluded by the positive declaration of the Chilian plenipotentiaries that no such proposition could be entertained, but that the unqualified acceptance of their first proposition was an indispensable condition to all further attempts at negotiation. And this being the fact, as appears by the protocols, I could not urge them further to make such a proposition.

I am, &c.,

I. P. CHRISTIANCY.

No. 288.

Mr. Calderon to Mr. Evarts.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND WORSHIP,
Lima, November 5, 1880. (Received December 21.)

It is proper that it should be known to America and to the world at large who is responsible for the great perturbation which the present war on the Pacific coast has brought upon this continent, causing, at the same time, incalculable injury to the industry and commerce of all nations with which we are on terms of friendship; it is proper that it should be clearly established upon whom rests the responsibility for the bloodshed and for the suffering which, in a sphere far above that of material interest, has been originated, and will continue to be so, for Heaven knows how long, by the wicked war into which we have been forced, without being influenced ourselves by ambition of any kind, or by any selfish motive whatever: it is proper that our friends should know how great was the self-abnegation manifested by us when an opportunity of seeking justice through peaceful channels was offered, and how arrogant and treacherous was the attitude assumed by our adversaries, who never did, and do not now, entertain any design, save the realization of a preconceived plan for their own aggrandizement at the expense, and in derogation of the honor of others.

I have already had the honor directly to inform your excellency how a question relative to the boundary between the Republic of Chili and that of Bolivia, our ally, was the sole cause of the war on the Pacific coast. Chili has now made known with her own mouth (as your excellency will see by the copy which accompanies this circular), in all its monstrous proportions, what she so long and so obstinately denied, viz, that the real cause of her conduct in her differences with Bolivia has been no other than that which I have just stated; and she has revealed to us at the same time the astounding advances that she has made in her ambitious views.

These are, indeed, the result of a morbid condition and of the febrile delirium to which great passions lead when not checked in time, yet this delirium is occasioning the greatest disasters in this portion of America, and is a presage of the most serious dangers in the future.

It is important, therefore, that it should be denounced before the community of civilized nations, and it is high time that it should receive an exemplary check.

The inclosed memorandum,* which was presented at the conference held at Arica, by the plenipotentiaries of Chili, as a recapitulation of the conditions deemed essential to the restoration of peace, is a concise statement, which cannot be disavowed by our enemies, of their real views and purposes in this war.

I beg your excellency, as the duty is a somewhat important one, to permit me to point out, to the best of my ability, the moral deformity which these conditions indicate.

The first is "*the cession to Chili of the territories of Peru and Bolivia, which extend to the south of the Camarones Valley, and to the west of the line which separates Peru from Bolivia in the Andes Mountains, to the Chacarilla Valley, and also to the west of a line extending from the latter point to the Argentine frontier, passing through the center of Lake Ascotan.*"

The demands which Chili makes of the allies are by no means small. Peru has even more reason than Bolivia to be astonished at their magnitude, because, after all, she never had, and never could have any dispute with the common enemy concerning boundaries, nor did Chili ever, either before the war or after it had been declared, raise any claim that Peru was her debtor.

When one looks on the map of the two republics (whose dismemberment Chili so coolly demands), at the portion of territory belonging to both, which she seeks to appropriate to herself, the feeling of indignation which first arises is succeeded by one of amusement, which is increased by the reasons which are alleged for the spoliation with all the solemnity which befits a diplomatic conference held in the presence of a mediator who is worthy of all respect.

Let us see what are these reasons:

First. The necessity which Chili feels of enlarging her territory by rectifying her frontiers for her future security.

Second. The fact that she has fertilized those wilds with the labor and the capital of her citizens, who have settled in those regions in large numbers, and whom she cannot abandon, especially after the blood of her heroes has been shed there and she has established a military occupation of the country.

The first of these extraordinary arguments is simply egotistical communism, expressed without the least shadow of shame, with the irritating concomitant of styling "a rectification of frontiers" that which at the first view is a twofold increase of territory.

The second is herein reduced to the language of truth and honesty, so far as concerns Peru.

Inasmuch as a vast field of speculation and fabulous returns for Chilian capital has lain open gratuitously, affording lucrative and reformatory employment for the worthless class which overflowed from Chili, driven forth, moreover, into foreign parts by an administration as discreet as it was far-sighted, therefore Chili makes her own the territory from which she derived such important benefits. That is

*See Protocol No. 1 of the conferences of Arica, document No. 285, *ante*.

to say, that what should have constrained her to gratitude is turned by her, scandalously, into a claim of usurpation, and this not limited to the space held by her armed force, but to regions to which has not been extended, neither can be extended, the abuse of a material force and preponderance as ephemeral as the circumstances from which it springs.

Moreover, the mere enunciation of the pretensions of Chili is an insult to the public law of our age, which condemns territorial acquisitions by means of conquest, and which has not tolerated cessions of this class, except when they have been, in some sense, excused by historic reasons and by the imperative exigencies of peace and common tranquillity, and even then consulting the essential and sacred condition of the liberty of a people, which condition has never failed to find the most conscientious support, even among the advocates of hereditary kingdoms.

Moreover, the pretension of Chili is subversive of American public law, and in violation, especially, of a positive principle, formulated, recognized, and adhered to until now by all of the republics of Spanish origin established on this continent. At the same time that they stood before the world with the decree of emancipation which they had won in the tribunal of arms, they proclaimed with one voice, as a guarantee of peace and safeguard of their repose for the future, the permanent establishment of the possessions and respective frontiers of each of them, adopting, to that end, the brief but expressive phrase of the celebrated Roman injunction *uti possidetis ita possideatis.*

In view thereof, there never has been any question among the possessors of these vast dominions as to the rule which they should follow in case of doubt or conflict touching territorial extension. All that has been discussed in such cases has simply been the just application to the subject in controversy of the principle sanctioned as fundamental for the decision of all such questions.

The *uti possidetis*, a practical principle, which sprang forth from the nature of things at the epoch of the independence of these republics, established the equilibrium necessary and proper for the development and progress of all of them, without prejudice, however, to such free acts as, by modifying their *status*, might tend to larger advantages and fuller greatness.

To-day Chili, while seeking to destroy that equilibrium, in violation of the primordial basis of the international constitution of these republics, endeavors to impose upon Bolivia and Peru, by the fifth of the conditions now under consideration, the rupture of the purely defensive alliance they have made, and the annulment of the federal union which they have agreed upon and which is now in the path of completion and full execution. The tyranny of Chili, if there were the force to sustain it, would be the most irritating and vexatious of any that could be devised for the sovereignty and freedom of both republics. No; it is not possible to permit such absurd pretensions to be even enunciated without bringing them to judgment and branding them before all the world with the stigma they deserve.

After having unexpectedly declared war against the allies, and having revived, in the most cruel and horrible manner, a barbarity which humanity had with shame consigned to oblivion, Chili dares to demand, in the second of her essential conditions of peace, an enormous indemnity for the expenses she has incurred for the sole purpose of inflicting calamities and injuries, the complete reparation of which would be due to us in good right, but which Chili can never give us, so far is

her wealth and her solvency inferior to the losses she has caused to us.

Chili, in her conditions of peace, has not only put herself outside of the pale of right, but is completely opposed to the right.

"*The restoration of the property of which Chilian companies and citizens have been despoiled in Peru and Bolivia*," exacted by the third condition of the memorandum, is devoid of all signification with respect to Peru, who has carried her generous chivalry to the extent of leaving all such property intact, notwithstanding that the ferocious conduct of her adversary warranted her in the adoption of every kind of retortion and reprisals.

The fourth condition demands the return of the transport Rimac, captured according to all rules in the course of a naval battle for which Peru was wholly unfit, notwithstanding that Chili holds all that she has taken from us on the seas through her temporary superiority, which was due solely to the unfortunate confidence in which Peru slumbered, while reposing faith in the flattering assurances of her sister and former ally, in a contest from which she derived all the advantages and Peru reaped all the disadvantages.

To complete the picture of the pretensions of the memorandum, the sixth and seventh conditions thereof involve, for the present and until Peru shall have satisfied those previously set forth, the retention by Chili of the districts of Moquegua, Tacna, and Arica, and, as to this latter port, for the future, the prohibition of fortifying it upon its return to Peru.

Even if not just, the harmony and transcendental foresight of the conditions proposed by Chili for deigning to grant us peace is undeniable.

Not we, but the world, and especially America, will pass final judgment thereon; and its judgment, dictated by a sense of justice, will be the re-establishment of the moral order which Chili has overthrown in this fratricidal war to the affronting of civilization and humanity.

My government, for its part, maintains and has declared the irrevocable resolve to be faithful to its honor and to the solemn charge which the supreme chief of the republic received from the people of Peru when he was chosen as their leader under such grave and difficult circumstances, and when absolute powers were conferred by them upon him.

I beg your excellency to be pleased to accept on this occasion the assurances of the high consideration and distinguished appreciation with which I have the pleasure to subscribe myself

Your excellency's faithful and obedient servant,

PEDRO JOSÉ CALDERON.

NOTE.—For Annex No. 1, being the text of the memorandum of the essential conditions of peace presented by Chili in the conference of Arica, see Mr. Christiancy's No. 200 of November 2, 1880, document No. 285, *ante*.

For Annex No. 2, being the protocols of the conference of Arica, see the same, document No. 285, *ante*.

No. 289.

Mr. Hay to Mr. Christiancy.

No. 108.] DEPARTMENT OF STATE,
Washington, November 9, 1880.

SIR: I have to acknowledge the receipt of your No. 195, and to approve the investigation made by you into the facts of the charge pre-

ferred by the Chilian Government against Mr. Merriam, the consul of the United States at Iquique, that he had allowed himself to become a medium of communication between the Peruvian General Montero and his government. You will, of course, give proper attention to any further complaint or evidence on the subject that may be laid before you.

I am, sir, &c.,

JOHN HAY,
Acting Secretary.

No. 290.

Mr. Christiancy to Mr. Evarts.

[Private and confidential.]

No. 209.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 11, 1880. (Received December 17.)

SIR: I think it right that I should inform you of certain impressions I received in a conversation with some of the members of the diplomatic corps, held at the legation of Mr. Pinto, of Salvador, who is the dean of the diplomatic corps.

The question of the most proper mode of protecting the legations and consulates of neutral nations here in case of the taking and sacking of Lima being the subject of conversation at the moment, started by me with the view of eliciting some manifestation of designs of intervention which I suspected to exist with some of the foreign ministers, I was strongly impressed with the idea from what was said by the English minister, and to some extent by the minister of France, as well as the peculiar reserve exhibited by them upon some points, that both the English and French ministers have been seeking to get their governments to intervene in the present war here, or that their governments have given them cause to believe they contemplated such intervention. It would be difficult to give you all the slight shades of expression which *together* seemed to indicate this, while few of the expressions taken alone would furnish much ground for the inference. But one point in particular seemed to me by itself to furnish a pretty strong inference of the kind. When I spoke of what might be expected in case the Chilian army should take Lima by storm, and how little safety even our legations might find from an infuriated soldiery which could not be controlled by their officers, a point which for months before they seemed to think a very important one, the British minister said in substance, "Oh, in such a case or before matters reach such a stage the Peruvian Government must yield, and make peace;" to which I replied in substance, "Yes, if they choose to, but if not we cannot compel them to." No direct reply was made to this answer, but I could readily perceive that the French minister seemed entirely to concur with the minister of England, and that both were very reticent as to the means of forcing a peaceful result in such a case. I attach the more significance to these things because very frequently in the course of the last eight months both these ministers, as well as the minister of Germany, have frequently intimated, and sometimes plainly said to me, that there ought to be intervention, and that peace could only be brought about in that way. But the minister of Germany has lately said nothing of the kind, and

I hear it rumored that his government will not intervene. But, on the other hand, the French minister, who last year said to me, on repeated occasions extending over a period of four or five months, "Your government is the only one that can bring about peace here." And he often urged that the United States ought to press mediation, yet the moment he found that all the belligerents had accepted our mediation he showed nearly as much petty jealousy as the minister of England, and both alike not only showed their hostility but joined, not in my presence, in the attempt to throw ridicule upon it, while they at the same time were attempting to induce Peru to accept peace by ceding Tarapaca to Chili, which I think it quite probable, at least, they think of compelling Peru to do by active intervention.

The secret motive, if it can be said to be kept a secret at all, is, I think, to be found in the fact that a large amount of the salitre bonds and of the guano bonds, for which the salitres and guano of Tarapaca are pledged, and which, especially the latter, constitute a lien upon the territory or beds where they are found, are held in England, and a considerable amount in France, and Chili is willing to—if in fact she would be bound to—assume their payment, and more confidence is placed in the ability and the disposition of Chili than of Peru to pay them.

I have not the slightest doubt that all the influence of the English ministers here at Santiago, and probably those of France, and possibly Italy, was used to thwart the success of our mediation, as I understand and believe that the English minister here, immediately on learning that Chili had accepted our mediation boasted in substance that he would prevent the success of that effort. They did not expect that we would be able even to get the parties together to open negotiations and were greatly chagrined when they found we did finally succeed in this.

Now, it might have been, and possibly might yet be, wise for the allies to accept peace by the cession by Bolivia and Peru of the territory claimed by Chili, rather than to continue the war, but whether the settlement of peace upon such terms would be wise for the allies, or not, is a question for them to decide, each for itself, and for any neutral nation to deny them that right is, it seems to me, virtually to deny them the essential rights of independent national existence.

It will be readily seen from what I have already said that the apprehended intervention under the circumstances would amount to little else than the active aid of the intervening powers given to Chili, at present victorious, both by sea and land, for the purpose of crushing both Peru and Bolivia.

I know that the Peruvian Government looks upon the apprehended intervention in this light, and is more apprehensive of injury from it than from all the power of Chili.

I have had no express instructions from you applicable to such a contingency, but, judging from our past history and from all that has been shadowed forth in your dispatches, I infer that our government will be opposed to such intervention, and I shall act accordingly until I receive instructions to the contrary, and shall protest against it if it be attempted to be carried out here before I receive such instructions.

I regret that I am not able to telegraph you from here.

I would certainly attempt to do so from Panama, if I had been furnished with a key, and may yet before the mail leaves, send by letter a dispatch to our consul at Panama, to be forwarded by him, if it can be done, to be paid for by you.

But I hesitate, especially as your dispatches show a desire to avoid such extraordinary expenses, except in cases of clear necessity.

I have, &c.,

I. P. CHRISTIANCY.

No. 291.

Mr. Evarts to Mr. García.

DEPARTMENT OF STATE,
Washington, November 13, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 25th ultimo, expressing the appreciation which must be felt by Peru of the proffer made of the good offices of this government in the direction of securing peace between that republic and the Government of Chili, and at the same time an apprehension that this movement might not reach the desired result.

In reply, I regret to observe that, although the proposition of the United States was held acceptable by all the belligerents, it seems to have been thus far fruitless; and this government awaits with interest information of the course of the conference held in pursuance of the benevolent wishes of the United States, and of the reasons of its failure.

Notwithstanding the miscarriage of the impartial and humane efforts of this government in the interests of a pacification (which it cannot regard but with chagrin as well as regret), the United States will welcome any further opportunity it may have to promote, by any proper means, the restoration of peace.

I profit by this occasion, &c.,

WM. M. EVARTS.

No. 292.

Mr. Evarts to Mr. Christiancy.

No. 109.] DEPARTMENT OF STATE,
Washington, November 27, 1880.

SIR: I subjoin the text of a telegram which was sent to Mr. Osborn, envoy extraordinary and minister plenipotentiary of the United States at Santiago, by this Department on the 19th instant:

You are authorized to unite with your colleagues in pressing upon Chili the adoption of the measures agreed upon in a diplomatic conference at Lima for securing the lives and property of neutrals when Lima is attacked. This authority is to be used only in case these measures are approved by Christiancy and yourself as within neutral policy and this concurrent representation seems to you useful. You are also authorized to join in asking a direct answer from Chili, if in your judgment the requirement is justified by the situation. Telegraph your action.

I am, sir, &c.,

WM. M. EVARTS.

No. 293.

Mr. García to Mr. Evarts.

[Translation.]

LEGATION OF PERU IN THE UNITED STATES,
New York, November 27, 1880. (Received November 29.)

To His Excellency the SECRETARY OF STATE:

SIR: I have the honor to inform your excellency that I received the official telegram, a copy of which is herewith inclosed, on the 25th instant, from Panama. As it merely confirms what was already known to your excellency, as appears from your esteemed communication of the 13th instant, which was duly received by me, it did not seem to me necessary to transmit this information to you sooner.

I am, as ever, your excellency's faithful and obedient servant,

IGNO. GARCÍA.

(Copy.)

To the CHARGÉ D'AFFAIRES *of Peru:*

This information is sent by supreme order. Belligerents accepted American mediation. Plenipotentiaries began conference. It proved a total failure. Chili demanded cession of territory, which Peru rejected.

LARRAÑAGA

No. 294.

Mr. Evarts to Mr. García.

DEPARTMENT OF STATE,
Washington, December 1, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo, and of the copy of the telegram received by you on the 25th, announcing the failure of the negotiations toward peace, which had been entered upon by Peru and Chili.

Again expressing the great regret felt by this government at the apparently unfortunate result of the efforts for peace which had commended themselves to the good judgment of other nations, I beg to renew to you, sir, the assurances of my high consideration.

WM. M. EVARTS.

No. 295.

Mr. Evarts to Mr. Christiancy.

No. 112.] DEPARTMENT OF STATE,
Washington, December 13, 1880.

SIR: I have to acknowledge the receipt of your No. 200, of the 2d ultimo, and of the protocols of the conferences of the plenipotentiaries of Peru, Bolivia, and Chili, held at Arica, from the 22d to the 27th October last, under the mediation of the United States.

This government cannot cease to entertain the most serious regret that its efforts in the direction of securing peace between the belligerents have met with so little apparent success thus far, but it still stands ready to render its assistance to that end in every proper way.

I am, &c.,

WM. M. EVARTS.

No. 296.

Mr. García to Mr. Evarts.

[Translation.]

LEGATION OF PERU IN THE UNITED STATES,
New York, December 18, 1880. (Received December 21.)

SIR: I have the honor to transmit to you a copy of the circular which the secretary of foreign relations of Peru has addressed, under date of 5th November, ultimo, to the diplomatic agents of my country abroad. I would have desired to go in person to fulfill the gratifying duty of reading the document in question to your excellency, as therein prescribed, but a serious illness prevents me.

I improve, &c.,

IGNO. GARCÍA.

[Inclosure—Translation.*]

CIRCULAR.

To the diplomatic agents of Peru.

OFFICE OF THE SECRETARY OF FOREIGN RELATIONS AND WORSHIP,
Lima, November 5, 1880.

The mediation offered by the United States of North America in order to put an end to the war in the Pacific, and accepted by the allies with the greatest sincerity and self-denial, has failed in consequence of the absurd pretensions of Chili, who has likewise refused the arbitration proposed in the conferences of Arica, because, as she does not seek justice, neither does she desire an impartial judge.

We have gone as far as dignity and honor permit us, endeavoring to forget our just indignation and the anger which Chilian vandalism has excited in the breast of the people. The noise of arms, which has not ceased, even when the enemy affected to enter upon the paths of conciliation, will therefore continue.

All that is inhuman, disastrous, and abominable in the present struggle, and whatever may occur until its end, will be exclusively chargeable to Chili, who has allowed herself to be carried away by the most ignoble and degrading passions, which cannot be satisfied but by the complete extermination of her adversaries, which she considers easy in the midst of her madness caused by the innocent blood she had shed, and her depredations and iniquities. She accepted the mediation with the deliberate intention of making it useless if Peru accepted it, reserving to herself the placing of insurmountable difficulties in the way of an agreement.

Thus is explained that, at the same time that she agreed to such a measure of friendly reconciliation, she brought ruin and devastation to the undefended departments of the coast of the north, destroying in a moment valuable property, the result of industry, and the disappearance of which is prejudicial to commerce.

Thus is explained her tenacious obstinacy in fixing on the port of Arica, a place under the pressure of her arms, for the holding of the conferences. She endeavored to irritate our susceptibility in order to leave to us, at least in appearance, the responsibility of refusing to enter into the conferences for peace.

Thus is explained how, in the first of them, her plenipotentiaries presented, as unalterable, conditions the acceptance of which would have been an ignominious suicide.

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*This translation is taken from the South Pacific Times of November 12, 1880.

Peru, after having deferred to everything which was merely fortuitous, and controlling the fiery impetus of her pride, which, on the other hand, she satisfied by ordering her plenipotentiaries not to stipulate, except in the last case, the cessation of hostilities during the conferences, assumed in these the noble attitude she has maintained since the commencement of the war, and which she will not deviate from to its end.

The law of honor, and only that, prescribed to her the taking part, unarmed, in the struggle, and she feels quite sure of concluding it with honor and glory.

Here it is as well to record briefly the conduct observed by Chili since the commencement of the war, always the same in her uncontrollable employment of double dealing and treachery.

After obtaining immense advantages in the two treaties of 1866 and 1874, respecting boundaries with the neighboring Republic of Bolivia, unsatisfied and restless then, and every day still more so, at not having pushed her frontiers to the point her covetousness longed for, she waited the first opportunity and sought the first pretext which might present itself to *revindicate*, according to the language employed by her on the occasion, the rich territories which international faith had guaranteed definitively to our ally.

We feel ashamed at having to present to the world the occasion which Chili found propitious for the realization of her unlawful design; such was the tax of ten cents, sanctioned by the Congress of Bolivia, on the "Compañia de Salitre y Ferrocarriles de Antofagasta," which then declared itself *in a most skillful manner* under the protection of Chili.

The diplomacy of this republic anticipated and hastened the proceedings of Chili; very soon afterwards a rupture of relations took place; Chili spoke of arbitration as to-day she does of mediation, and obtained, as she now wishes to do with respect to the latter, that it should remain a chimera. Thus she pretended, according to the system to which she is accustomed, to give a color of justice, first, to the sudden invasion of Antofagasta, and afterwards to that of the whole Bolivian coast.

Peru, who prides herself on having initiated almost from the commencement of her independent life, with the most exalted views, the real fraternity of the American republics; who has on different occasions assembled in her capital congresses for such an important object; who at this very moment has the pleasure to see in this city the congress of jurists of her sister republics which endeavor to realize the beautiful ideal of harmonizing the institutions of modern society; Peru, leagued by a treaty of defensive alliance with Bolivia, the secret of which for well-founded reasons was stipulated in it, but which imposed on her a mission of peace in the disagreement between her ally and Chili, went to Santiago animated with the most sincere wishes; and it is necessary to acknowledge that neither good-will nor the most assiduous solicitude was wanting on the part of our representative in the fulfillment of his honorable mission.

The secret, merely official, of the alliance (because for statesmen in the three republics, with few exceptions, no such secret existed) served as a pretext to the Government of Chili for rejecting the mission of Señor Lavalle, rendering useless the fraternal purposes of Peru, precipitating the declaration of the *casus fœderis*, and immediately afterwards darting upon our coast, commencing the series of shocking hostilities which have continued since, each time with more fury, and which she proposes to crown worthily without any other limit than the extent of her power to carry them out.

Chili, on turning her arms against Peru, who she knew could only defend herself by her courage and her natural nobleness, was under the delusion that she could humiliate and trample upon Peru without great efforts or sacrifices.

Desperate and frantic at being undeceived, she carried to a greater extent than was conceivable, even to those acquainted with that nation, her barbarous hostilities.

Nothing has sufficed to stay the hands of our ruthless enemies. Neither the undefended state of the towns, nor the innocence of the victims, nor the chastity of the women, nor the weakness of infancy, nor the veneration due to old age, nor unfortunate courage, nor the convulsions of agony, nor the sacred character of neutrality, nor the even more sacred character of the ambulances in which the wounded have been assassinated without pity, nor the sanctity of the temples, in fact no respect, divine or human, not even that due to her own honor, has been sufficiently powerful to make Chili return to the bosom of Christian civilization, in which, after what has been referred to, it is licit to doubt whether she ever really was, notwithstanding her ridiculous vanity and much talked of progress.

Full of hatred and envy against Peru, whose superiority cannot be unacknowledged without blotting out history and stifling the voice of a fame which has become a universal proverb; drunken with blood and devoured by thirst for our fabulous riches, Chili proclaims an attack upon this capital which she considers as the last bulwark of defense of Peru. For this reason she has not hesitated to reject, openly, the arbitration proposed by our plenipotentiaries at Arica, who designated at the same time as judge the great republic of the north, which had the highest title in every respect to fulfill such a noble and humane duty. Chili would not admit it, under the frivolous pretext that the time for arbitration had passed, as if at any moment the intervention

of wisdom and justice should not be welcome in order to put an end to a struggle which is a disgrace, not only to America but to Europe, and when only a short time ago, the 3d of September last, she has made a treaty with the United States of Colombia in which it is stipulated that all differences between both republics are to be settled by arbitration, and when Peru has been asked to adhere to said treaty by an invitation received by our government only by the last steamer.

Peru is, therefore, for Chili a hateful exception in treating of peace. Be it so! Let her come, not as she imagines, to end, but to begin the war. The generous blood which Peru has shed in torrents will become fruitful. The entirely disinterested worship which she pays to honor, without being terrified by the sacrifice of all her other treasures, which she considers as secondary, will give to her arms the reward they deserve. Her heroes of to-day will repeat the actions of those of yesterday, and the crown of a final triumph, so much the more splendid as it will have been costly, will bind her proud and immaculate brow.

This is the faith of the government of his excellency the supreme chief, to whom the republic, on constituting him arbiter of her destiny, charged him, above all, with the triumph of the national arms. He will omit nothing to attain this object, and he confides in attaining it as the judgment of God in the duel to the death which has become inevitable, owing to the want of reason and the insolence of our enemy.

You will be pleased to read this dispatch to the minister for foreign affairs, and leave him a copy should he desire it.

May God preserve you many years.

PEDRO JOSÉ CALDERON.

No. 297.

Mr. Hay to Mr. García.

DEPARTMENT OF STATE,
Washington, December 22, 1880.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, transmitting, for the information of this government, a copy of the diplomatic circular sent on the 5th ultimo by the secretary of foreign relations of Peru to the diplomatic agents of that country abroad. Regretting that your illness should have deprived me of the pleasure of receiving your personal communication of this circular, I avail myself, &c.,

JOHN HAY,
Acting Secretary.

No. 298.

Mr. Christiancy to Mr. Evarts.

No. 226.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 31, 1880. (Received February 5, 1881.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 109 (108 not yet arrived), containing the copy of your telegram to Mr. Osborn of the 19th November.

But for your letter I should never have heard of your telegram, as I have not had one word from Mr. Osborn since I left him at Arica, until December 24 (the day after I received your dispatch), when I received his letter of December 3, written two weeks after your telegram to him. And even this letter, of which I send you a copy, says nothing of the telegram.

I cannot say that I am at all surprised at this, whether he had received the telegram or not.

You will notice that his letter does not show that Chili has agreed to all the "measures agreed upon in diplomatic conference at Lima," and that it is quite general and rather indefinite. And it was therefore quite essential that I should know the contents of your telegram which he could have telegraphed to Arica, whence I could have had it by mail long before his letter of the 3d instant was written—not to say received.

The charitable conclusion perhaps ought to be either that he had not received your telegram or that he had sent me a copy which did not reach me. But I must confess to some doubt of the truth of this charitable inference.

I inclose you a copy of my letter of December 14, 1880, which will speak for itself. It touches only those false reports of the Chilian press which had then come to my ears. Since then I have learned that the Chilian press has gone much further in its attacks upon me, some articles charging me with having gone to Chili only for my health, and that I had no idea of being able to bring about peace by mediation; when I went down afterwards in October, other articles do not scruple to charge me with acting as a Peruvian spy, all such articles, of course, assuming that I had no authority for saying to Colonel Lynch or the Peruvian Government that Chili had accepted the mediation of the United States, and at the time I said so to each of them.

Now, the truth of what took place at Santiago when I was there, from 27th to 31st August last, is fully stated in my dispatch No. 191 (and my confidential dispatch of the previous day shows the reason why I went there).

The truth of the fact stated by me, that Chili had accepted the mediation of the United States as early as August 30, at least, can be shown by a mass of evidence in my hands, which is simply overwhelming. Mr. Osborn's own letters and telegrams to me and memorandum drawn by himself and his letters to Mr. Adams among others; and inferentially also by the letters (copies of which I have) of the secretary of state of Chili to General Baquedano and to Admiral Riveros (both of which I delivered personally), and, I presume by what Mr. Osborn must have written to the Department. And these will show that Chili had accepted our *mediation* (not our "good offices" merely, nor to use the language of his note to that government of the 6th October, while I was in Arica awaiting him by his own appointment, our "mediation in the form of good offices," which, to me, conveys no definite or intelligible idea, and when after seeing his note in a Chilian paper while at Arica, I asked him if Chili had not accepted our good offices in the form of mediation, he replied, yes; and I was quite unable to make him comprehend that there was any difference between the two propositions, the consequence of all which was that by his action Chili, which had accepted our mediation as early as the 30th August, on the strength of which I procured the acceptance by Peru of our mediation on the 14th September, was allowed to place herself before the world as having accepted only our "good offices," and that only on the 7th October, and the further consequence was to place me before the world as a deliberate liar).

I have not yet had time, and have not now, to make copies of all the papers showing the details which led to and accompanied the conference at Arica; in fact I have doubted whether the Department would wish to lumber up its files with them, but I will send them if desired. I am now constantly employed in providing for the protection of American, Swiss, and Colombian citizens (the Chilian forces being within 10 miles of Lima and the final battle expected every moment).

Now, one of the principal reasons for the bitterness of the Chilian press againt me is, no doubt, the action of S. C. Montjoy in assuring Colonel Lynch that I was acting fraudulently. (See my letter to Montjoy. Dispatch 215, No. $\frac{1}{215}$). But the principal ground for these attacks of the Chilian press originated, as I am satified, from the too easy compliance of my colleague in Chili with the wishes of the Chilian Government, and his desire to enable that government to meet the bitter opposition of the war party in Chili. The case, as explained to me by Mr. Osborn himself, at Arica, was just this. Immediately after I had left Chili (August 31), the opposition or war party charged the government with having, through me, taken some steps for peace; the government were put on the defensive; and Mr. Hunaeus, a senator (who had been employed by the President to communicate with me in the first instance), being interrogated in the senate in reference to this, denied everything of the kind, and declared that I had come there only to see my colleague, Mr. Osborn; and the whole idea of negotiating with Peru and Bolivia was kept a secret from the Chilian people until after I arrived at Arica, October 6. While I was at Arica, my letter to Colonel Lynch, or its contents, had been sent to General Baquedano and thence to the Chilian Government, and Mr. Osborn during the conferences, having learned the fact, undertook to make me believe that I had gone too far in stating to Colonel Lynch that I had had a conference with the Chilian Government and that that government had accepted our mediation, &c. We differed upon that point as we differ now.

Now, while his action has tended to strengthen in Chili the belief of my falsehood and evil designs, and to place me before the public in Chili in the worst light, I do not charge him with *that* particular design, nor am I willing to believe that he was actuated by any malice towards me; but I do think his inordinate desire to sustain the government against the attacks of their opponents has had all the bad effects upon me that it could have had if such had been his feelings and intentions. I cannot and will not enter into newspaper controversy, though the consequence of the action of Montjoy and my colleague may be to render all my efforts for the protection of American, Swiss, and Colombian citizens abortive, and even to endanger myself in case Lima should be taken by storm. Yet I propose to stand by the truth and depend upon the moral protection of our flag, trusting that time will bring my vindication.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 226.]

Mr. Osborn to Mr. Christiancy.

LEGATION OF THE UNITED STATES,
Santiago, Chili, December 3, 1880.

SIR: I have been formally assured by this government of its desire to protect the lives and property of neutrals in Lima and Callao, if those places should be attacked by the Chilian army. To that end the commanding general of the army has been directed to consult with the dean of the diplomatic corps in Lima, and to adopt his suggestions in so far as they may not tend to embarrass the legitimate operations of the army in its movements against the enemy.

Very respectfully, &c.,

THOMAS A. OSBORN.

[Inclosure 2 in No. 226.]

Mr. Christiancy to Mr. Osborn.

LEGATION OF THE UNITED STATES,
Lima, Peru, December 14, 1881.

SIR: You have probably seen by the Chilian papers that I have been accused—1st, of falsely stating, when I wrote to Colonel Lynch, September 13, that Chili had accepted the mediation of the United States, and that I had had an interview with the Chilian Government, &c. I have no apology to make for either of the above statements; for both are true in substance and effect, and neither calculated or intended to deceive Colonel Lynch.

It is true that I, as minister to Peru, could not act officially in Chili; but it is equally true that the President of that government, together with his secretary of foreign relations, could (and did) act officially at Santiago, and that you also could act officially at the interview we both had with the President and secretary of foreign relations, when we went together to the palace and had that interview, and when the President and secretary—in answer to my statement that it did not yet appear that the mediation of the United States could have any effect until it was known whether the propositions made by or through the Italian and French ministers should be accepted—replied that they had already accepted the mediation of the United States and should not withdraw it, of which you had previously informed me; and you knew and I knew, and the President and secretary for foreign relations of Chili (who are in effect the government as to foreign relations) knew that that declaration was made to me as the basis upon which I was to ascertain whether Peru would accept the mediation of the United States and enter upon the negotiations, as you had proposed. And the note written by yourself as to the action we were to take shows beyond the slightest doubt that such was your understanding, and your own letters, before and since, show the same. I have, therefore, no apology to make for my letter to Colonel Lynch, above referred to. It was true in substance and effect, as you know and the President and secretary of foreign relations of Peru know, as I know and as God knows. When writing to Lynch I was looking to the substance and effect of things, and I stated them truly. I was not seeking to "divide a hair north or northwest side." Those who claim merit for feats of the latter kind are welcome to all the glory they can secure, and I willingly surrender the whole of that field of controversy to them, having myself no ambition in that direction.

My letter to Colonel Lynch was, therefore, entirely true in substance and effect, and any statement which may be got up by the aid of logical necromancy to show the contrary, from whatever source it may come, is *false* in *substance* and *effect*. Never was a letter written in more perfect good faith than mine to Colonel Lynch, and I am still of the opinion that but for the opposition party in Chili, which drove the government from its honest purpose of securing peace upon fair and honorable terms, that letter would have been approved by the Chilian Government itself. That opposition, which drove the government from its first purpose, together with the exasperation caused by the Lynch raid, were the two main causes which rendered all efforts for peace utterly futile. That opposition drove the Chilian Government to make their propositions for peace in the most exorbitant and repulsive form, while the exasperation on the other side made Peru more averse to any terms. This is the truth of history, and you and I know it. I do not propose that any other view shall pass for history without my protest.

Now, in reference to the charge or insinuation, made by Colonel Lynch, that I had undertaken to deceive him by writing to him, that the estates "Chiclin" and "Hacienda Arriba," in the valley of Chicama were the property of John W. Grace, an American citizen, I have to reply that this charge or insinuation is false, and my letter to him was true, as I believe, in every particular. His charge rests wholly upon information given him by individuals who did not speak from the title papers, and who were interested in compelling the payment of a contribution upon this property, for the purpose of lessening their own contributions, and upon the false and, as I believe, the interested assertions of S. C. Montjoy, United States consul at Lambayeque, who was the author of the protest, made by Americans in Peru last March, against the mode in which Chili carried on the war, the authorship of which was falsely charged against Charles S. Rand, esq., when I was in Santiago, last August.

When I wrote to Colonel Lynch, I spoke from the title papers which I had seen and which are filed in this office. The title, as I understand, was the whole and absolute title that was conveyed to Mr. Grace on the 4th of August last. And I took the precaution, as in other cases, to take the affidavit of Mr. Grace of the fact of his ownership, in addition to the title papers, and upon these I relied in good faith, and still believe that the title was, and still is, in Mr. Grace, as stated by me in my letter to Lynch.

But I will do Mr. Lynch the credit to say that, from information which I have received, and which is now in writing in this legation, I am inclined to believe that,

but for the false information given him by Montjoy, and by other owners of property, as aforesaid, he was disposed to exempt and would have exempted the property as that of an American citizen.

I have, &c.,

I. P. CHRISTIANCY.

No. 299.

Mr. Christiancy to Mr. Evarts.

No. 230.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 22, 1881. (Received February 15.)

SIR: Lima was quietly surrendered to the Chilian forces on the 17th instant. I wished and intended to have given you a detailed account of the events and causes which have led to this result. But on the 15th instant, at 2 o'clock p. m., I went with the whole diplomatic corps to Miraflores, some 5 miles (in a direct line) from Lima, to receive from President Piérola his answer to the terms offered by the Chilian general, Baquedano, through the committee of our diplomatic corps, on the morning of that day (said committee consisting of Mr. Pinto, our dean, and the French and English minister, who had that morning arranged an armistice to last until 12 o'clock that night for the purpose of getting the answer of Piérola). We found Piérola and his staff at breakfast in a large house at Miraflores, and were waiting for him to come out, and some of his officers were just coming out from the table, when a single heavy gun was heard, and in less than a minute the battle opened along the whole lines, and at a distance of but about 80 rods south of us, the shot, even from the small-arms, pattering thick and fast upon the buildings around us, and the air being filled with flying shells exploding all around us. It is not yet fully known who fired the first gun, but it is, I think, quite evident that both the Chilian commander and Piérola were equally taken by surprise, and the probability is that it was the unauthorized act of some subaltern officer.

The diplomatic corps fled to the rear towards Lima for their lives, and got somewhat scattered, some of them reaching the railroad train (which had taken us out), some distance to the north of the train, and some, like myself, endeavoring to strike the railroad ahead of the train, but being cut off by walls and ditches, were compelled to walk a devious course back to Lima. I was one of the latter unfortunate class, was under the shells of the Chilian fleet and army, falling thick around me, for two hours before I could get out of range, climbing smooth perpendicular walls between fields and around chacras and old buildings, wading water courses, and traveling some 8 miles to get 4 miles ahead, until my muscular powers were thoroughly exhausted—finding on my return some 600 to 700 refugees—women and children in the legation, who had sought asylum there, and before 9 o'clock at night over 1,200, which increased next day and night to over 1,500 of all nationalities, and all this while more than half the time I was unable to stand upon my feet from the fatigue.

I have just got rid of the refugees, but the strain upon my muscular powers has been such that even yet I cannot walk or stand for half the time, and yet I am constantly besieged with complaints from Americans, Swiss, and Colombians against depredations upon their persons or property from the Chilian soldiery, which I endeavor to get redressed as well as I can. I am therefore in no condition to give you a detailed statement of events at present, but shall do so as soon as I can.

I will only say here that, from all the reports I hear from every quarter, the Chilians killed all the Peruvian wounded they found upon the field. They deliberately burned Chorrillas, after all necessity for such outrages had ended. They did the same to Barranca and Miraflores; and since all the fighting has been over they have burned sugar plantations with standing cane upon them. They have robbed, as I am informed, some haciendas belonging to Colombian citizens, under the protection of this legation, and I fear, also, some belonging to Americans, most of which is doubtless due to the special pains taken by Mr. Montjoy to cause the Chilian officers to believe that I was acting in bad faith towards them; and some of it, from the inordinate desire of my colleague in Chili to make himself popular with the government there by assenting and giving currency to the false and vindictive attacks of the Chilian press against me, as I know the basest and most vindictive attacks of their press come from an intimate and familiar friend of my colleague.

The Chilians have, as yet, behaved remarkably well in Lima, and thus far respected their promise to protect life and property; and I must do their officers the justice to say, I think they intend to enforce order in the city and to treat the inhabitants kindly.

Piérola, who constitutes the only recognized government of Peru, was last heard of at Canta, some fifty miles northeast of Lima. He is at present supposed to intend to arouse the interior to arms. But he has no money or arms, and, I think, would have acted more wisely if he had remained here. The Chilians, I feel quite sure, would have treated him kindly, and recognized him as the only government with which they could treat for peace. I think they would be glad to have him return for that purpose. I am quite unable to write you further to-day, as I am scarcely able to be out of bed.

I have, &c.,

I. P. CHRISTIANCY.

No. 300.

Mr. Evarts to Mr. Christiancy.

No. 119.] DEPARTMENT OF STATE,
Washington, January 25, 1881.

SIR: I regret that a report which has been communicated to the Department obliges me to request that you will make a strong representation in the premises to the Peruvian Government, should you find on inquiry that the report is well founded. This report is that the Peruvians have made use, during the present war with Chili, of "boats containing explosive materials" which have "in some instances been sent adrift *on the chance* of their being fallen in with by some of the Chilian blockading squadron." How far the case of the launch to which you refer in your No. 183, which was loaded with concealed dynamite, comes within the description of cases mentioned, the Department has not the requisite data to determine.

It is sufficiently obvious that this practice must be fraught with danger to neutral vessels entitled to protection under the law of nations, and that in case American vessels are injured thereby, this government can do no less than hold the Government of Peru responsible for any damage which may be thus occasioned.

There is no disposition on the part of this government to act in anywise nor in any spirit which may be construed as unnecessarily critical of the methods whereby Peru seeks to protect her life or territory against any enemy whatsoever; but it will appear, I think, to the high sense of propriety which has in times past distinguished the councils of the Peruvian Government, and which without doubt still abides therein, that in case it is ascertained that means and ways so dangerous to neutrals and those adverted to have been for any reason suffered to be adopted by her forces, or any part of them, they should be at once checked, not only for the benefit of Peru, but in the interest of a wise and chivalrous warfare, which should constantly afford to neutral powers the highest possible consideration.

It is understood that the British minister at Lima may be instructed to make like representations on the part of his government.

I am, sir, &c.,

WM. M. EVARTS.

No. 301.

Mr. Christiancy to Mr. Evarts.

No. 237.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 2, 1881. (Received March 2.)

SIR: I had intended before this time to have sent you a connected and intelligible account of the military operations which culminated in the taking of Lima by the military forces of Chili, and of the correspondence of the diplomatic corps, first with the Government of Chili (through their colleagues in Santiago), and second, with the general-in-chief of the Chilian forces prior to the battles of the 13th and 15th ultimo, but several causes have prevented me thus far from performing this duty.

1st. I have been ill most of the time since the battle of Miraflores, on the 15th ultimo, in which I was caught and from which I made my brilliant advance upon Lima, and have been in the hands of a physician until to-day.

2d. I have not been able to get from the dean of the diplomatic corps (Mr. Pinto, from Salvador) copies of the diplomatic correspondence above referred to. My clerk has just got the originals and is making copies and translations.

3d. A part of the documents to which I wished to refer (with many other papers relating to the war, and the conferences at Arica, which might be necessary to refer to in future correspondence) was sent to the Lackawanna for safe-keeping, until it should be known whether Lima was to be sacked and burned; and this vessel left Callao a week ago for Chimbote, and has not yet returned.

I must, therefore, confine myself to the briefest possible explanation and the most pressing exigencies of the present situation. Lima, through its alcalde (mayor) representing the municipal government, having on the 16th ultimo surrendered at discretion, on the promise of protection to life and property, on condition that their entry should not be opposed and that they should not be fired upon. There was great danger that this last condition would not be complied with and but for the Urban Guard, composed entirely of neutrals (who, at the invitation of the Peruvian Government had for eight or ten days before the

first battle protected the city from disorder, but just before the first battle had been discharged by the government, because they had inadvertently stopped one of the ministers of the government in the street at night). On Sunday, the 16th, the Peruvian army, having been beaten the day before at Miraflores, was completely disbanded, and Lima was filled with them, many of them still retaining their arms, all without organization or officers. They were all negroes, Indians, mulattoes, cholos, and mixed bloods of the lowest order (as there had been no white men in the ranks of the Peruvian army, except in the reserve, consisting of white men from Lima and Callao).

These disbanded soldiers, who had been forced into the army against their will and were now thrown upon the world as outcasts, who had no place to go to, and no means of supplying themselves with food, and were really suffering from hunger, deserved, as I thought, pity and sympathy. But late in the afternoon (of the 16th) we began—I say "we," for there were at that time in the legation and under my protection some 1,550 women and children—we began to hear firing and cries of rage and of distress along the streets, as if pandemonium itself had suddenly burst up, as with an earthquake shock, along all the streets in the city.

It was soon evident that a concerted and general, though disorderly and riotous, attack was being made upon the poor inoffensive Chinese, their shops and houses, where food was sold in small quantities; but the attack was not confined to these, it extended to almost all the pulperias, or small shops, where food and liquor were sold.

Immediate death by the rifle-shot was the penalty of resistance, and the poor Chinese almost everywhere met the same penalty without resistance. Louder and louder, as the night drew on, and louder and more pervading, horrible, and bewildering as the night progressed, became the mingled cries of vengeance and distress, and louder and ever increasing the roar of rifle-shots along the streets, until their continuous roll resembled that of a regular battle. By 10 o'clock the flames of burning buildings in various parts of the city began to illuminate the skies, and still further to terrify the hearts of the already terrified inhabitants with the prospect of a general conflagration.

Several large buildings were burned to the ground; but, thanks to the mud or clay and reeds, which compose most of the buildings of Lima, a fire can spread but slowly, and its spread was checked after several valuable buildings had been burned, among them several large and valuable Chinese stores along the principal streets.

It was a night, or rather a nightmare, of chaos and unutterable horrors, a "triste noche" which defies all analysis or detail of description. But towards the dawn it began to become evident that the demon of chaos and disorder had begun to lose his force; his powers were becoming weak by sheer force of over-exertion; phrenzy had yielded to exhaustion. The Peruvian citizens, however, whose soldiers these rioters had been, were in no position to put them down, and though many of the native citizens of Lima of the better class would have rejoiced to see the reign of terror ended, they seemed utterly paralyzed, as these men were so lately their defenders.

It was now the dawn of day, and the Chilian forces were to enter at 2 o'clock p. m. If these disorderly elements were not subdued before that time there was every reason to fear that some and probably many of them, under the influence of liquor, would fire upon the Chilian forces, and Lima would then be laid in ashes.

But at the terrible moment, when all seemed lost, before the morning sun rose over the Andes, a new star of hope made its appearance

upon the horizon. Through all the chaotic horrors of the night an element of order, guided by intelligence, had been doing its work, and barbarism and brutality were destined to feel the force of civilization and intelligence, with an intelligent purpose to enforce order. Though comparatively few in number the Urban Guard through all the horrors of the preceding night, had been organizing; and with the dawn of day quietly but resolutely took the streets "still as the breeze, but dreadful as the storm." A few of them had pistols, others policemen's clubs. As they came in contact with the armed rabble, often ten or fifteen to their one, they demanded their arms and their surrender. If any one refused this demand he was at once shot or knocked down and killed. The rabble at once realized that here was a power they could not resist. They threw down their arms and fled to their dens or hiding places. A few of the Urban Guards and great numbers of the rioters were killed. This process was still going on at 2 o'clock, p. m., on the 17th. The Chilian commander, learning this, waited for the entry of his forces for some two hours more, by which time order was restored, and all danger of firing upon his troops was over, when he sent in some 3,000 of his best disciplined men, who quietly entered without noise or demonstration of any kind, and Lima was saved from destruction. [All neutrals and many of the Peruvians felt a sense of relief upon the entry of the Chilian forces, and as to neutrals, I think, they dread the departure of the Chilian forces as much as they dreaded their entrance; as in case of their departure the neutrals will be subjected to the prejudices, the passions, and the hatred of the Peruvians of the lower orders.]

Since that time much of the rest of the army has marched quietly through Lima and encamped outside. General Saavedra is the chief civil governor of Lima under Chilian power, and seems to be doing all in his power to preserve order. Still many horrible outrages have occurred—rapes and murders—probably in spite of the utmost vigilance of the governor, but which would not have happened from a civilized soldiery. And if Chili chooses to employ savages as soldiers she must be held responsible before the world for all such excesses as would not have been committed by a civilized soldiery under proper discipline. In the mean time the Chilian commanders are greatly embarrassed by their victory, as they can find no Peruvian government with which they can treat for peace. Piérola, at last advices, was at Tarma, still bent upon pursuing the war, though he has no army, no arms, and no financial resources, and if he insists upon continuing the war will ruin Peru without benefitting himself. He is now, however, inclined to treat under the mediation of the diplomatic corps. But the Chilian authorities, as long ago as the 14th, before the battle of Miraflores, plainly declared to our corps its determination to admit no mediation. And the diplomatic corps will not probably intervene against the will of Chili.

It is now 3 o'clock p. m., and at 5 or 6 p. m. I am expecting a diplomatic meeting to take into consideration a letter of Piérola. If he is not disposed to treat for peace on reasonable terms, I think a provisional government will be installed here, consisting of the municipal authorities and the notables of the vicinity, by whom a treaty of peace will be negotiated, subject to the approval of Congress, which in that event will be convened at the earliest possible moment.

FEBRUARY 4, 1881.—Nothing new has occurred since writing the above.

The neutrals here, who saved the city from destruction by putting down the disbanded Peruvian soldiery, dread the hostility of the Peru-

vians when the moment comes for the evacuation of Lima by the Chilian forces.

They fear that the "foreigners" will then be accused of having aided the Chilians to take possession of Lima, and that the vengeance of the lower classes, at least, will be directed against *them* for the very action which saved the city from destruction.

In the mean time it is a most ominous fact that the general-in-chief of the Chilian forces is constantly harping upon what he calls the treachery of the Peruvians in opening the battle of Miraflores during the armistice which had been agreed upon, and this for the purpose apparently of justifying extreme measures of retaliation. The effort seems to be, on the part of the Chilians, to fix upon Piérola the preconceived design of violating the armistice, and in this view the Actualidad of the 31st ultimo contains an article setting forth what purports to be a telegram from a Mr. "Velazco" (some irresponsible person) to the prefect of Callao, stating, on the authority of a report by the Miraflores Railroad that the Peruvians were about to attack, &c. (a copy of which telegram, and the article in the paper, I inclose, with a translation). In reference to this I wish to say, first, that I doubt the authenticity of any such telegram. No Peruvian speaks of that railroad as the Miraflores Railroad, but always as the Chorrillos Railroad. Second, if the dispatch be genuine, it only purports to be a report by the railroad, for which the commander of the Peruvian forces was in no way responsible; and was probably the natural inference of the reporter (whoever he was) from the close and increasing proximity of the lines of the respective armies.

The whole diplomatic corps were witnesses to the utter surprise on the part of Piérola and his staff at the opening of the battle, and all saw the confusion, the surprise, &c., and "mounting in hot haste" of Piérola and his staff at the sound of the guns. From all that can be learned, thus far, the surprise was equally great on the part of General Baquedano and his staff. But from the best information I can thus far obtain, it would seem (that though Baquedano had reserved the right to complete the movement of his forces already commenced), the Peruvian forces did not understand that he was at liberty to move up into their very faces, or into their lines, as this would be to make the armistice a farce; and I am inclined to believe that the movement of the Chilians upon the Peruvian lines was such as to induce the latter to believe an immediate attack was intended, and that thus provoked some Peruvians, without proper authority, fired the first gun.

But I will not undertake to decide so grave a question without further evidence. One thing is, I think, entirely clear, that the great mass of the Chilian soldiery came here under the belief that they should be gratified by the sacking and plunder of Lima, and that the general-in-chief, who naturally seeks to retain the good will of his soldiery, may feel a little cramped by the terms of surrender which he accorded at the instance of neutrals, and may therefore not be strongly averse to indulging the general understanding and wish of his soldiers upon any pretext which might excuse it, seems to me not wholly improbable, though I shall be slow to credit this until the event shall demonstrate it. And I hope there may be nothing to afford even the pretext for such indulgence.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in Mr. Christiancy's 237.—Translation.]

THE PERFIDY OF MIRAFLORES.

CALLAO, *January* 31, 1881.

Editors La Actualidad:

In the account of the battle of Miraflores, given by you in No. 78 of your paper, you state that in the Chilian general staff, at first, the rupture of hostility on the part of Miraflores, the 15th instant, was attributed to the hastiness of some inexpert and nervous Peruvian chief, but that aferwards light was thrown over the subject, and it was discovered that the responsibility of what occurred there rested on the Peruvian dictator. Closing your article, you say that the part of the veil which shadowed over the mysterious tragedy of Miraflores and which the hands of contemporaries did not raise, will be raised by the hands of history.

My purpose, Mr. Editor, is to contribute for my part to that task of serious investigation, communicating to you a document which fully confirms your assurance, and discloses clearly the preconceived treacherous blow which cost so many valuable lives of the Chilian army, and covered with mourning the most respectable homes of the Peruvian capital. That document is the following telegram sent from the palace to the commander-in-chief of Callao, at 1 p. m., the 15th instant, one hour before the firing commenced.

[Telegram from palace.]

"Mr. PREFECT: From the railroad of Miraflores they communicate *that within a few moments the combat will commence. The line formed, only wait orders to fire. Much enthusiasm.*

"VELAZCO."

"A true copy:

"D. CAVIAZCO ALBANO,
"*Secretary General.*

"Yours, &c.,
(Signed thus:)

* * *
* *."

As it is seen, at 1 p. m., the hour in which the armistice agreed upon the same morning was in all its vigor, and the conquerors of Chorillos were completely careless in the Peruvian camp of Miraflores, one of the most treacherous attacks, and one of which there is no record in history, was preparing, and *the line formed only waited orders to fire* on a credulous and confiding enemy.

As it is seen, an hour before the battle commenced, the army of the Peruvian dictator was ready to fire, and that violent breach of military agreement produced *much enthusiasm* in the ranks of its infractors, instead of serious disquiet.

This is a shameful discovery for the authors of the scandal and specially mortifying to South American soldiers, a discovery which we could leave aside, without commentary, in the archives of human misery, should it not involve lessons, which the directors of the Chilian army should avail themselves of, and the dignity of foreign representatives in Peru should not stand between.

The Chilian military authority will know, doubtless, what is to be hoped of the word and loyalty of a chief who laid for his generous adversary the nameless ambuscade of Miraflores.

The foreign diplomatic corps for its part, remembering the compromising part which they were obliged to perform in the conclusion of the armistice, and the audacious and brutal farce of which its members were the object, making them go to Miraflores in the moments in which, as it resulted in the telegram we publish to-day, the attack was preparing, will no doubt assume a resolute attitude towards the government which used towards them such unjustifiable proceedings.

The faith of the arrangements insolently violated and the stream of Chilian and Peruvian blood shed without object demand an exemplary punishment.

No. 302.

Mr. Piérola to Mr. Garcia.

[Telegram.]

JAMAICA, *February* 8, 1881.

After two desperate battles, we have evacuated Lima and Callao, to remove pretexts for outrages by the enemy.

The government has retreated to the interior, determined to resist to the last extremity, but without refusing to treat upon bearable (*tolerable*) bases.

Mr. Christiancy has no instructions.

Arbitration by foreign neutral powers would be the best and most efficacious.

PIÉROLA.

No. 303.

Mr. Evarts to Mr. Christiancy.

No. 123.] DEPARTMENT OF STATE,

Washington, February 10, 1881.

SIR: I have this moment received from Mr. Garcia, the Peruvian chargé d'affairés in the United States, the following telegraphic dispatch, which came by the way of Jamaica:

> After two desperate battles, we have evacuated Lima and Callao, to remove pretexts for outrages by the enemy.
>
> The government has retreated to the interior, determined to resist to the last extremity, but without refusing to treat upon bearable (tolerable) bases.
>
> Mr. Christiancy has no instructions.
>
> Arbitration by foreign neutral powers would be the best and most efficacious.
>
> PIÉROLA.

The Chilian minister informs me to-day that he has no information whatever but the public announcement of the occupation of Lima. I am also without any dispatch or telegram from yourself or Mr. Osborn, giving me any information of the recent important results of the war, such as have been publicly reported. Under these circumstances, and in view of the telegram above quoted, I find it necessary to desire you to press upon the Government of Peru, and on such Chilian authorities as you may have access to, the earnest desire of this government to bring about a peace without unnecessary delay and upon reasonable and honorable terms, compatible with the true welfare of all the belligerents, and so as to be lasting.

You will urge the desire of this government with that pressure which appears to you admissible under all the circumstances, and proper to the gravity of the occasion.

I am, &c.,

WM. M. EVARTS.

No. 304.

Mr. Christiancy to Mr. Evarts.

No. 240.] LEGATION OF THE UNITED STATES,

Lima, Peru, February 15, 1881. (Received March 18.)

SIR: I have the honor to inclose to you the copy of a letter of October 5, 1880, written by Mr. Valderrama, secretary of foreign relations, of

Chili, to the French minister at Santiago, in reference to the protection of neutral property in the contemplated expedition upon Lima and Callao; also a translation of the same.

Also a copy and translation of a letter of Mr. Pinto (minister of Salvador), the dean of the diplomatic corps in Lima, to the general-in-chief of the Chilian forces, dated December 28th last.

Also a letter of General Baquedano, in reply to last above, dated December 30, 1880.

Also a letter of January 1, 1881, from Mr, Pinto, the dean of our diplomatic corps, to General Baquedano, in reply to his last above, with translation.

Also a copy of a letter of General Baquedano in reply to the last above, dated January 6, 1881, with a translation.

Also a copy of a letter from General Baquedano to the dean of the diplomatic corps, dated Chorillos, 15th January, at 11 p. m., with translation.

No. $\frac{4}{240}$ (above) embodies the principles which I had the honor to submit to the diplomatic corps, on the day of its date, in the shape of a simple declaration of principles adopted by the corps, and stated in a slightly different form in the letter.

I have included all the above that you may have a full view of the correspondence in reference to the transactions alluded to; but the most important of all, in reference to the numerous claims likely to be presented against Chili by American, Swiss, and Colombian citizens, is the above No. $\frac{1}{240}$. This was written to the French minister in Chili, in answer to a letter of his, in behalf of *all* neutrals here; and the answer No. $\frac{1}{240}$ applies equally to *all*. It was sent by the French minister in Chili to his colleague here and presented to and read before our diplomatic corps, as it was no doubt intended to be.

It will be seen it adopts the very plan of protecting neutral property which had been already adopted by us, and this plan we continued, not only in Lima, but in Chorillos, Miraflores, and everywhere else in Peru; and we trusted and believed that this plan would prove effectual, and that the neutral property, having the placards with the certificates and flag referred to, would be respected by the Chilian forces; at least, that such property would not be deliberately taken or destroyed *without* military necessity. Of course we did not expect such protection against the risks of battle, or those naturally incident to the taking of a town by bombardment or storm, while any resistance was kept up in such town. But, even in such cases, we did think we had a right to rely upon the promise of the Chilian Government, that such property should not be deliberately taken or destroyed, after all resistance and all fighting had ceased, and especially one, two, or three days after, when all necessity for its taking or destruction had ceased.

Now, it clearly appears from the official report of General Baquedano, that all fighting, even in Chorillos, had ceased, and that his victory then was complete at 2 o'clock p. m. of the 13th January, (see extract from that report, here inclosed, and referred to in the margin). And yet that "the towns of Chorillos and Barranco, as a consequence of their resistance, were destroyed and burned." Now, the fact, as I am informed from all quarters, is, that there was no fighting at Barranco (a village intermediate between Chorillos and Miraflores), and that no fire of any importance occurred until about 5 or 6 o'clock p. m. in Chorillos; that at about the hour last mentioned, the most densely built part of the town was deliberately set on fire by the soldiery, and every living inhabitant in the town—of whom there were many who

had remained—having been killed, most of them were piled up in the houses and burned with them. But a large portion of the best houses in the town, many of them owned by neutrals (some American, some Swiss, and, I think, some Colombian, among the rest), were deliberately burned the next day, and some of them two days after, after having been robbed of their furniture (most of it of the most costly kind), which was sent on board the Chilian fleet, before the torches or hand-grenades were applied to the houses; and these very houses had upon them the flags and placards agreed upon with the Chilian Government.

And when I state what I am on all hands informed, is the fact, though I do not personally know it, that the house sometimes occupied by the minister of Brazil and that of the Brazilian consulate, were spared (a fact which shows the alliance between Brazil and Chili, explaining the reason why the Argentine Republic had been kept quiet during this war), and that a guard was sent to protect the house sometimes occupied by the French minister, who had a friend upon the Chilian general's staff, it will be hard to resist the conviction that the burning of the rest of the town was deliberate, and after all necessity for such destruction had ceased.

As to Barranco, where there had been no fighting, the British minister, who went out with our dean and the French minister to see General Baquedano, on the morning of the 15th (two days after the first battle and before the second) informed me that as he passed Barranco the Chilian soldiers were engaged in deliberately burning the town.

The same thing, as I am informed and believe, took place at Miraflores, inhabited largely by neutrals, among whom were several American and Swiss, who had the proper flags and placards up. A part of the town was burned the night after the battle of the afternoon of the 15th; but some of the best buildings one and two days after.

Now, it is precisely upon this ground that the robbery and destruction were deliberately committed, after all necessity or excuse for such acts had ceased, that many claims have already been filed by American and Swiss citizens in this legation. These claims I have not yet forwarded to Mr. Osborn in Chili, believing it best, first to submit, as I now do to you, the substantial facts upon which all of them must rest, and to take your instructions whether to send them first to your department, or to Mr. Osborn.

I have the honor, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1 in No. 249.—Translation.]

Mr. Valderrama to the French minister to Chili.

SANTIAGO, *October* 5, 1880.

SIR: After the conference which I had the honor to hold with your excellency yesterday, and during which your excellency signified to me the warm interest which you feel that the Government of Chili should adopt efficacious measures to guard the persons and interests of neutrals in the event that the proposed expedition of the Chilian forces on Lima should be realized, I have been commissioned by his excellency the President, to address a special note to the general-in-chief of the army of operations, in order to satisfy, as far as possible, the wishes expressed by your excellency. In fulfillment of it, I address this day a note to the general-in-chief, in which I bring to his knowledge:

1st. That the government wishes that neutral persons and their interests be carefully respected during the military operations against Lima and Callao.

2d. That in order to make such respect practicable, to hear the indications which the honorable dean of the diplomatic corps may make, and to attend all those which without embarrassing in any way the action of our forces may tend to guarantee neutral persons and their property.

3d. I also tell him that your excellency has indicated to me, in order to have neutral persons and their interests easily certified to, the former will hold a certificate of the legation of which he is a citizen or subject, and the latter will have, besides the flag of its nation, a placard, authorized by the seal and signature of the legation, fixed in a visible place on the property.

The government feels confident that the general-in-chief will take special care in harmonizing the important interests of neutrals, with those corresponding to Chili, as belligerent.

I improve this opportunity to reiterate to your excellency the sentiments of high and distinguished consideration with which I am, &c.,

MELGUIADES VALDERRAMA.

[Inclosure 2 in No. 240.—Translation.]

Mr Pinto to General Baquedano.

LEGATION OF SALVADOR,
Lima, December 28, 1880.

Mr. GENERAL-IN-CHIEF: The diplomatic corps accredited in Lima, anxious about the perils to which the important and valuable interests confided to their care may be subjected, on account of the struggle which soon is to take place at the doors of the city, has agreed that the undersigned, as the dean of the corps, would place himself in immediate communication with your excellency, thus following also the indication from the cabinet of Santiago, with the object of providing in common accord the means which may be adopted to diminish, as much as possible, the risks and perils to which the foreign colonies may be exposed.

The attention of neutral governments has, for some time back, been directed to the disentanglement of the present war, and to the possible eventualities which, in all cases, may affect the conditions of its numerous citizens, and whose interests can be reckoned at hundreds of millions.

With this motive, for the legitimate purpose of securing due protection to such valuable interests, the governments which have legations established in Santiago prescribed to those legations in advance to make such efforts with the Government of Chili as may tend better to reach that end, and the security of our compatriots without embarrassing the military action of the belligerents.

In accord with those precautions our colleagues at Santiago, after an understanding with the Government of Chili, which gave its best attention to those observations, have solicited our indications as to the measures which, according to our judgment, would be more efficacious for the object proposed. In consequence we have drawn and forwarded to them the annexed scheme, a copy of which we inclose, which has met the express and implicit approbation of all our governments.

The cabinet of Santiago, supposing that, perhaps, in certain cases, military operations would prevent the complete application of the measures proposed, has preferred not to bind itself with, but to adopt definitely only a part of the project referred to, promising, as to the other part of the same project, to send orders to the commander-in-chief of the expedition with the view that said commander will have an understanding with the diplomatic corps, represented by its dean, in relation to those measures which circumstances will permit to adopt for their most ample fulfillment.

I am now placed under the circumstances to propose to your excellency the commencement of those relations of reciprocal intelligence, which place us in a relation for me to fulfill the duties of my position under the present circumstances, and on the part of your excellency to accomplish the orders of your government, being both able to concur, through our agreement, to attenuate and lessen the horrors inherent to the war, and recognizing, in that manner, the age of civilization which we now enjoy.

As far as it concerns us, we have endeavored that all foreigners be provided with a certificate showing their nationality, allowing them to fix, in a visible place on their domicile or house of commerce, a placard with their national colors, authorized by their respective legations or consulate general. This placard and the national flag which most of them will hoist will be sufficient proof. Besides we have established certain private localities, which will be recognized by special signs and held by persons duly authorized by us, which will be the deposits of goods of our respective citizens, and asylums for their families, when these should feel themselves in better security there. In order that your excellency may have a better judgment of this I an-

nex to the present a plan of Lima, in which the legations, the asylums and deposits of goods, and foreign houses of commerce, are shown, upon which we wish to call the attention and care of your excellency by reason of their special nationality. Your excellency will find also, in the same plan, the houses of every one of the members of the American congress of jurists in Lima, whose existence in Lima is well known by the cabinet of Santiago, and whose title and duties are evidently worthy of special consideration.

As to the indications which we think it our duty to make to your excellency, they could evidently not differ from the programme already proposed to the Government of Chili, and which, as before stated, has received the approval of our governments. For the rest, we have always understood that the measures which your excellency will adopt, will be according to the legitimate exigencies of the war and the security of the army under your command.

Among those measures, there is one, above all, which the diplomatic corps allows itself to recommend specially to the consideration of your excellency. It is that in relation to the entry of the troops, in the case that by consequence of events, the city of Lima should capitulate or cease to be defended. In such case, in fact, the entry in mass, of numerous troops, without necessity, would occasion great inconvenience. For that reason, besides consulting the way to obviate inconveniences, we think there would be positive advantages, in the successive entries of the troops, and that such entry should be made only by a number sufficient to guarantee its occupation.

This is a measure we have no doubt has already occurred to your excellency, as others proper for the occasion, which will tend to avoid unnecessary evils, to humanize the war, and to reduce its destructive action to the limits prescribed by the rights of nations and Christian civilization, under which guard modern nations are ennobled and dignified.

As to the rest, promoting this communication for mutual intelligence, I think that I have only anticipated your excellency's ideas in the same sense, since through them we prevent as much as possible the horrors of the war, and avoid prejudice to the neutrals resident in these countries, and perhaps their annecessary ruin—which might give room to grave complications—and at the same time avoid the criticism, more or less severe, on the countries engaged in the struggle by other nations of the world which are contemplating them.

I improve this occasion, Mr. General-in-Chief, to offer to you rexcellency the assurance of my high consideration.

J. DE T. PINTO.

[Inclosure 3 in No. 240.—Translation.]

General Baquedano to Mr. Pinto.

LURIN, *December* 30, 1880.

I had the honor to receive the note dated 28th instant, in which your excellency, as the dean of the diplomatic corps, resident in Lima, has been pleased to address me, with the view to establish correspondence between us, in order to avoid as much as possible the damages which may be suffered by neutrals in their persons and property by the operations which the army under my command may realize in defeating the army defending that capital.

It is very satisfactory to me to say to your excellency, in answer to the note above mentioned, that it is with pleasure I initiate those relations, and that should your excellency wish, either to communicate with me personally or by written letters, you will always find me disposed to receive with kindness all those suggestions which tend to lessen as far as possible the wrongs and evils of the war.

I will do, in that light, all in my power, if the army of the enemy do not make of the city of Lima the base of its defense.

But, if the contrary takes place, and I should be obliged to take it by assault, your excellency will understand that it could not be possible for me, either to give a term before commencing hostilities against that capital, or limit the consequences of that combat and the occupation by main force, as your excellency and myself wish it. In that case the city will forcibly be subdued to the rules of war and suffer all its rigorous consequences.

Wishing that the relations initiated by this note may efficaciously tend to the humane views which have influenced your excellency in addressing your excellency's note to me, I improve this grateful opportunity to offer to your excellency the assurance of my highest consideration.

MANUEL BAQUEDANO.

[Inclosure 4 in No. 240.—Translation.]

Mr. Pinto to General Baquedano.

LEGATION OF SALVADOR,
Lima, January 1, 1881.

MR. GENERAL IN-CHIEF: I had the honor to receive the answer your excellency has been pleased to give to my letter of the 28th December last, the contents of which were immediately placed before the diplomatic corps for their knowledge.

My colleagues accept with pleasure the assurances which your excellency has transmitted. They could not but conceive doubts on your excellency's answer referring to the principal part of my note, that part which refers to the entrance of troops into Lima. This part involves great importance in the opinion of our governments, expressly approved by many of them, and we must, therefore, insist again and solicit of your excellency to let us know in a precise manner if your intention is, as we understand it, to let but a limited number of selected force enter the city in the particular case that it should not be taken by storm.

It must have come to the knowledge of your excellency the rumors given by the press of Chili relative to the sacking of Lima, notwithstanding that we understand this is not the idea of the Government of Chili, proper only to past ages, we cannot leave aside and must take into consideration that the suggestions thrown to the public might have raised in the minds of soldiers tendencies against which special precautions are necessary.

We are placed now under the necessity to point them out to your excellency, not doubting, however, that you are willing to adopt them in order to prevent unnecessary wrongs, and cover your responsibility before your own country and the opinion of the world.

We do not deny that, in the event of the city of Lima being taken by main force, it would be impossible to limit the entrance of troops, nor for the city to avoid undergoing all the rigorous eventualities of the war. Nevertheless, we cannot, and we ought not, to reckon among those eventualities the plunder of this city. Your excellency knows well that the laws of war, as they are now accepted by Christian civilization, condemn the plundering of private property, as also attacking defenseless and noncombatant persons, even in the case of a city being taken by assault. Our ideas agree generally on that point, and your excellency will readily understand that it could not be possible for us to remain indifferent at witnessing scenes condemned by the unanimous opinion of the countries we represent.

The diplomatic corps is grateful to your excellency for the frank deference with which your excellency accepted the relations it initiated, and hope they will not prove fruitless towards the noble purpose of humanizing the war, saving, as much as possible, large neutral interests not involved in it, and the reputation before universal public opinion of the people who sustain it.

Having thus fulfilled the commission received from my colleagues, it remains for me to renew to your excellency the assurance of my high consideration.

JORGE DE T. PINTO.

[Inclosure 5 in No. 240.—Translation.]

General Baquedano to Mr. Pinto.

No. 423.] LURIN, *January* 6, 1881.

MR. MINISTER: I have this moment received your excellency's note, dated the 1st instant, in which your excellency asks if, in the event that the city of Lima opposes no resistance against the force of my command, I will occupy it only with a select force? In the contrary case, which is that of resistance, your excellency and honorable colleagues of the diplomatic corps condemn plunder, and wish to have security that my troops will not perform such acts.

In answer to that letter my duty is merely to declare to your excellency that the purpose of my government and my own is clearly stipulated in my note of December 30 last.

Your excellency may understand that the passionate declarations of the press of both belligerent countries cannot be the subject of official discussion. Consequently your excellency will allow me not to refer to the suggestion I found in the note of your excellency as to the instigation of plunder which your excellency has thought to have found in the press of my country.

As to the rest your excellency may rest assured that my firm intention is to humanize the war and prevent unnecessary wrongs to undefended inhabitants in accord with the progress of the civilization of this century.

But to this only my promise must be limited, because the future means which I may adopt, will depend upon circumstances which I cannot foresee nor your excellency stipulate, because they will necessarily correspond with the attitude the army of the enemy may assume.

I improve this opportunity to reiterate to your excellency the assurance of the high consideration with which I subscribe myself your excellency's obedient servant.

MANUEL BAQUEDANO.

[Inclosure 6 in No. 240.—Translation.]

General Baquedano to Mr. Pinto.

CHORILLOS, *January* 15, 1881.—11 p. m.

Mr. DEAN: Your excellency knows that in consequence of the initiative voluntarily taken by the honorable diplomatic corps to cease hostilities against that city I have not carried into effect this morning the attack prepared against the forces of the Peruvian army defending Miraflores.

Your excellency knows, and the honorable ministers of France and England also know, that I, during the conference which we had to day, refused to prolong the term asked from me in order to interpose their good offices near the Government of Peru with the same pacific view; but that at last yielding to the repeated entreaties of your excellency and of your honorable colleagues, and as a proof of special deference to neutrals, I consented to wait for the answer which your excellency was to give to me until midnight of this day.

Well, the army of the enemy, whose chiefs were to know the arrangements made by the honorable diplomatic corps and to have received proper orders, opened fire to-day at 2.20 p. m. upon the undersigned, his chief of the general staff and aids who reconnoitered the field to see the situation of our troops.

This treachery of the enemy obliges me to hasten the operations under my care, and, in consequence, I address myself to your excellency craving to communicate to your honorable colleagues the resolution I made to bombard to-morrow, if I think it opportune, the city of Lima, until I obtain its unconditional surrender.

With sentiments of distinguished consideration, I subscribe myself, your obedient servant,

MANUEL BAQUEDANO.

[Inclosure 7 in No. 240.—Translation La Actualidad, Lima, February 4, 1881.]

Extract from General Baquedano's report to his government dated January 16, 1881.

* * * At nine our victory was complete in Chorillos and on the fortified hills extending to the south; but about 8,000 men which remained there still continued to resist. With these forces a second battle took place. It was necessary to drive them out from each one of the streets and houses of the town and from the heights, which they held. This obstinate combat lasted until 2 o'clock p. m., at which hour the battle was over with a victory which gave us possession of the enemy's entire line and of the towns of Chorillos and Barranco, which as a consequence of their resistance were burned and destroyed.

No. 305.

Mr. Christiancy to Mr. Evarts.

No. 242.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 16, 1881. (Received March 18.)

SIR: Referring to my dispatches Nos. 230 and 232 in reference to the question of peace, and with what Peruvian Government it is to be made, I have the honor to state that though, in many respects, the condition of things remains substantially the same as when those dispatches were written, yet some slight progress has been made toward a solution.

1st. The Chilian authorities here, even before the last battle, had declared that upon the question of peace they should decline the mediation of any other nation, and since they have been in Lima, they have declared that they would not accept, even the good offices of any neutral government, nor those of their diplomatic representatives here, and that they will only treat with the Peruvian Government.

2d. While for some time after their entrance into Lima, they professed to be ready to treat with Piérola as the only recognized government of Peru, yet after the letter of Piérola, or rather his secretary-general, to the diplomatic corps, dated the 20th January, 1881, had been published (I think by Piérola in some paper in Peru), a copy of which, with a translation, will accompany my next dispatch, No. 243, the Chilian authorities here have declared that they would not recognize Piérola as the Government of Peru nor treat with him until that letter should be withdrawn. And efforts have been made to initiate another Peruvian Government under the auspices of the "notables" at and near Lima. But none of the various parties seem to have men of sufficiently commanding influence to secure the general popular support, and none of them to be willing to incur the hazard of assuming powers of government while Piérola remains as dictator and does not resign.

In the mean time the Peruvian judicial officers, having been invited to enter upon the exercise of their jurisdiction, which they have declined to do, martial law, which is certainly better than no law, has been proclaimed in Lima, Callao, and the surrounding country in possession of the Chilian forces; their courts-martial adjudicating summarily and giving only verbal decrees and judgments, which are promptly executed by their military authorities. And I am glad to be able to testify that the Chilian officials have conducted themselves with great propriety and fidelity in the preservation of the peace and good order of the city of Lima.

Several outrages, rapes, robberies, &c., it is true, have been committed by individuals of the lower classes of their soldiery, but for which, as I am informed, the offenders have been severely punished as soon as they could be discovered.

Piérola remains at Tarma and sometimes at Jauja, beyond the first range of Andes, the Chilians having control of the whole of the Calloa, Lima and Oroya Railroad to Chicla, its present termination.

Several Peruvian missions have been sent to confer with him, with the sanction of the Chilian authorities, and though he was, at first, averse to any attempt at negotiation, yet since then, finding himself without funds or arms, and utterly unable to carry on the war, he, nearly a week since, resolved to negotiate for peace, and for that purpose appointed three plenipotentiaries resident in Lima, and the necessary instructions were given them. But one of these commissioners has declined to accept and this produces another delay of about a week.

But the two other commissioners have had informal conferences with the Chilian authorities, who, as I am informed, do not refuse to treat with Piérola, provided the letter in question shall be withdrawn.

The terms will, of course, be such as Chili chooses to dictate, a capitulation or surrender at discretion on the part of Peru, which is utterly prostrate, and, from the Andes to the sea, virtually in their possession and completely under the control of Chili.

But Chili has, by this last supreme effort, also exhausted herself, and could not continue to contest much longer, except as she can contrive to live upon Peru, and make her bear the expenses, which she is now attempting to do, having just sent an expedition of some 6,000 men to the region

of Trujillo, probably for the purpose of levying contributions, and destroying property which does not pay them. They have also established a commission here to levy upon the inhabitants of Lima and Callao a forced contribution, and it is understood the lists are now being made out. The decree or bando for this does not expressly exempt even neutrals, though it is the opinion of the diplomatic corps generally that neutrals are not intended to be included. We shall soon see; and if neutrals shall be included there will probably be an energetic protest from the diplomatic corps.

It is evident that Chili means to leave Peru in a condition which shall not render her a dangerous neighbor hereafter. She will now probably demand the cession, not only of Tarapaca, but of the province of Moquegna, including Arica and Tacna, thus depriving Peru of most of her nitrate deposits and many of her guano-beds. And, judging from the tone of the Chilian paper in Lima (the Actualidad), there is some reason for supposing that Chili is now endeavoring to instigate the government of Ecuador to seize upon the northern portion of Peru, a part of which once belonged to Ecuador; and I should not be surprised if Brazil, taking advantage of this opportunity, should take possession of a large portion of Northeastern Peru (the best portion of it, but now held by the wild Indians), and that by these several means the most important portions of Peru should be partitioned among her neighbors, a result which, should it take place, will not be calculated for the preservation of peace in any of these countries.

I have, &c.,

I. P. CHRISTIANCY.

No. 306.

Mr. Evarts to Mr. Christiancy.

No. 129. Confidential.] DEPARTMENT OF STATE,
Washington, February 17, 1881.

SIR: The question of the restoration of peace in South America, ever present to this government, as you will have amply seen by my instruction No. 123 of the 10th instant, of which I send a duplicate to you by the hands of the same messenger who carries this present instruction, is presented to me to-day in a phase which I feel warranted in making known to you with whatever of confidence and reserve its nature may counsel.

Your latest dispatches, received here on the 15th instant, cover dates up to the 23d ultimo, and represent the success of the Chilian arms, as shown in the occupancy of the national metropolis by the invaders and the administration of its affairs by their officers, thus confirming the advices of the public press. And yet, at your time of writing, this condition of affairs left it problematical how far the prospect of a successful negotiation for ultimate peace might have been thereby hastened.

This Department has been approached by Count Montferrand, of Paris, and Mr. Suarez, understood to be a Peruvian citizen, with certain proposals or calculations of important financial interests in Europe looking to financial aids and facilities to enable the two nations to liquidate advantageously to both, as it is argued, the obligations produced by the war and needing to be met as part of the terms of peace.

I have said to Mr. Suarez, who goes to Lima by the same steamer which carries this instruction, that I am always ready to press the mediation of this government towards early and honorable peace between the belligerents; that the financial facility and aid which the private interests he represents can furnish towards a liquidation of the pecuniary obligations that the war may have created and which may need to be met, are calculated to assist the restoration of peace; that, in this light, they will be laid before the representatives of the United States in Peru and Chili; and that any further responsibility of this government can only be determined by actual negotiations between the belligerents asking this government to assume them.

The "programme," as it is called by these gentlemen, it would seem, might form an element in the calculations of the belligerents as to the resources at their recourse in settling the terms of peace.

In this sense I have inclosed herewith two copies of the "programme" for your consideration, and for such comparison of views on it as Mr. Suarez (should he call on you) might invite and you might find it prudent to hold.

It is to be observed that any part or responsibility that this government might be asked by the belligerents, or by any financial administration that might be admitted by them into the adjustment considered or adopted to take, is reserved by this government to be treated with entire freedom whenever the matter should arise for consideration.

Count Montferrand and Mr. Suarez have both come to me under respectable introductions, and the financial bodies and persons whom they appear to represent, are well known and of much weight in financial circles.

You will, however, understand that the matter is placed before you only as an element which, if it can be made valuable and conducive to peace, this government would not like to have wanting to the belligerents, if their negotiations would find it useful.

You can impart to your colleagues, Mr. Osborn and General Adams, as much of this communication as occasion may suggest, but always in confidence.

I am, &c.,

WM. M. EVARTS.

[Inclosure.]

Programme for mediation between Peru and Chili.

I.

The neutrality of the guano and nitrate deposits, so as to avoid ill-feeling between the two nations, which would result from a surrender of the territory, and at the same time to guarantee to the creditors said deposits (pledged to them), against all future difficulties or competitions.

II.

The working of the neutral deposits to be entrusted to an institution of credit, offering a financial basis of unquestionable standing and ability to assure public confidence in any engagement it shall undertake in regard to all the interests.

III.

THE BASIS OF THE TRANSACTION.

The contract of the Credit Industriel, dated at Paris, January 7, 1880, so modified as to give satisfaction to every interest, allowing, namely:

First. *To Chili.*—The royalty claimed by her of £1 10*s.* per ton, or £450,000 per annum, which would permit a loan of £4,000,000 to be raised to pay a reasonable war indemnity.

Second. *To Peru.*—The amount which she has declared indispensable for her internal budget, £450,000 per annum.

Third. *To the bondholders.*—The balance, which represents 3½ per cent. on the principal of the standing debt.

IV.

The funding of the nitrate debt in order to permit the redemption of the guano Peruvian debt, and to increase, if necessary, the royalties appropriated to Peru and Chili.

V.

To lay a cable from Panama to Peru (Callao), to aid the development of commercial relations with the last-named country, and assist in the restoration of her credit. There could be appropriated for the benefit of said cable a subsidy to be derived from the funded nitrate debt.

We can assert that this programme, should it be proposed by the United States, would be endorsed by the great European powers whose subjects are the creditors of Peru, mainly England, France, Belgium, and Holland.

STATEMENT.

FIRST.

The guano, including manipulation and mixing of same, will yearly produce on a sale of 300,000 tons		£3,600,000
I. Freight and expenses, estimated at £4 per ton	£1,200,000	
From which is to be deducted—		
II. Peruvian royalty, £1 10*s.*	450,000	
III. Chilian royalty, £1 10*s.*	450,000	
		2,100,000
		1,500,000
IV. Remuneration to the Credit Industriel of 20 per cent. on the net proceeds		300,000
Leaving to be distributed every year to the bondholders, viz, 3½ per cent.		1,200,000

SECOND.

The expropriated nitrate produces, per annum, on a sale of 200,000 tons, at £14 per ton		£2,800,000
I. Manufacturing and transporting to the place of shipment, at, say, £6 per ton	£1,200,000	
From which is to be deducted,		
II. Freight and expenses, say, £4 per ton	800,000	
		2,000,000
Net		800,000
The nitrate debt amounts to £4,000,000, and requires 8 per cent. interest and 2 per cent. sinking fund, viz, £400,000 per annum. This amount could be reduced, namely, make the interest 5 per cent. and 1 per cent. sinking fund, and to refund it in "bons de delegation," which, being negotiable in Europe, would secure to their holders more than they would lose by the change		240,000
Leaving a clear balance of		560,000

To be appropriated to—

The redemption of Peruvian bonds	300,000
Chilian royalty	100,000
Peruvian royalty	100,000
Subsidy to the cable	60,000
	560,000

The foregoing will therefore permit regularly to be appropriated each year:

I. *To Chili*, £550,000; that is to say, an amount more than sufficient to raise a loan of £4,000,000 to £5,000,000.

II. *To Peru*, £550,000; that is to say, more than the treasury has ever regularly received.

III. *To the bondholders*, £1,200,000. This is an income less than the one originally promised, £2,600,000; but it will be perfectly sure, as it will be protected against all chances by the neutrality secured.

It is sufficient to read the foregoing programme and the figures attached to it to acknowledge:

A. That said arrangement is acceptable to both nations, since it will permit them to settle peace without any sacrifice to their national pride, and securing to each one a large pecuniary compensation.

B. That said arrangement is acceptable to the creditors of Peru, since it gives to them a security which they have never had, in return for abandonment of a portion of their interests.

C. That said arrangement would be acceptable to any mediator, since it does not impose a sacrifice of any interests, and it permits the restoration of the credit of two nations, whose ruin will cause trouble in the commercial world.

A. GUILLAUME,
President of the Peruvian Bondholders' French Committee.

No. 307.

Mr. Christiancy to Mr. Evarts.

No. 243.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 19, 1881. (Received March 18.)

SIR: I have the honor to inclose the copy (and translation) of a letter from Aurelio García y García, secretary-general of Piérola, to the dean of the diplomatic corps resident in Lima, dated Canta, January 20, 1881. This is the letter which the Chilian officers and representatives here insist shall be withdrawn before they will consent to treat with Piérola as the Government of Peru.

Now, though the Chilian authorities have not, so far as I know, specified the particular part of this letter to which they object, yet I am inclined to believe it must be that part which charges the Chilians with having treacherously opened the battle in defiance of the armistice which had been agreed upon, as I am inclined to believe that all the other charges contained in the letter are true, and that they could not be successfully denied by the Chilian authorities. It is quite true, I think, from the universal reports which I have heard, that the towns of Chorillos, Barranco, and Miraflores were wantonly and unnecessarily burned, after all resistance had ceased, and that Barranco never resisted at all. I think also that it is entirely true that the Chilians murdered upon the field of battle, on the 13th, at least such wounded soldiers as they found upon the field from which the Peruvians had retired. They may or may not have excepted Peruvian *officers*, but the general report from Chilian officers, as given to me from officers * * who have conversed with them, is that as a rule they killed on the field all the Peruvian wounded who fell into their hands, with the occasional exception, possibly, of Peruvian *officers*.

I know that when at Arica, in September, the Chilian governor of the place informed me that in taking Arica they took no wounded Peruvian soldiers there, and from all I could learn from all sources the same was substantially the fact at the battle of Tacna, with very slight exceptions. It may be, and I hope it is, true that after the battle of Miraflores, when the Chilians knew the Peruvians were totally defeated and disbanded, they may have saved some of the Peruvian wounded found upon the field; but all their reports thus far have shown a greater number of Peruvians killed than wounded, which tends strongly to show the truth of the reports that the wounded Peruvians found upon the field were put out of their sufferings in the shortest possible manner. In making these statements I do not profess to speak upon my own knowledge, but upon the best information I can obtain, which I hope, for the honor of humanity, may turn out to be untrue.

What the letter says of the Chilian navy forming a line of battle in front of Miraflores and the advance of the Chilian army on the 15th after the armistice is, from the best information I can obtain, substantially true. It is at least quite certain that the Chilian army continued after the armistice to extend its left wing around and near the right wing of the Peruvian army, and these, at least, to approach much nearer to the latter; but whether the rest of their line advanced nearer is not so clear, though I think the weight of evidence, judging from all sources of information, is that they did advance in several parts of their line nearer to the Peruvian line.

But the great question is, whether the right to do this was or was not reserved by General Baquedano in granting the armistice. He claims that it was, while Piérola, through his secretary, in the letter in question, appears to ignore any such condition, and assumes that the battle was opened by the Chilians. Upon this point (who fired the first gun and thus opened the battle), while I and the rest of the diplomatic corps, being at Piérola's headquarters in Miraflores when the battle opened, supposed the attack had been commenced by the Chilians, yet subsequent information has gone far to satisfy me that the first gun was fired from the side of the Peruvians; probably the unauthorized act of some subordinate officer, provoked by seeing General Baquedano and his staff reconnoitering within a few hundred yards of their front, and probably also seeing the advance of the Chilian army near the right of the Peruvian positions.

But that General Baquedano believed that he had reserved the right to make these movements and this reconnaissance there can be scarcely room for doubt, as he was himself with his staff in the most exposed position when the firing commenced, and lost his horse, and was compelled to hasten to the rear and to bring up the troops who, like himself, had been thrown off their guard by the armistice.

On the other hand, I was, with all the diplomatic corps, an eye-witness to the utter surprise and astonishment, not to say terror, of Piérola and his staff, at the sudden and, to them and to us, unexpected opening of the battle; and I have not the slightest reason to doubt that they were relying in good faith upon the armistice, and believed at the time that it had been violated by the Chilians, and that the battle had been opened by them. Whether he learned the contrary during or after the battle I cannot say. As he was some little distance in the rear and fled when his forces were routed, I am inclined to think he had not learned the fact (that his own forces first opened fire) at the time when this letter of the 20th January was written.

The whole merits, therefore, in my view, turn upon the question what

were really the terms of the armistice? This was arranged with General Baquedano, *verbally* by the committee of the diplomatic corps (consisting of the dean and the ministers of France and England).

It is greatly to be regretted that in so grave a matter the terms had not been put in writing to avoid misconception and misconstruction. The letter of the secretary-general of Piérola, above referred to, gives what Piérola claims to have been the terms as communicated to him verbally. The Chilian secretary of war writing, or rather telegraphing, to his government on the 16th January, simply says, "A committee of the diplomatic corps, composed of the ministers of England, France, and Salvador, came yesterday to this camp at the request of the Supreme Chief of Peru, and an armistice was arranged between them and the Chilian commander-in-chief to expire at 12 o'clock of the same night." Here no conditions are mentioned.

General Baquedano, in reporting the same transaction to his government on the 16th, simply says of the armistice:

> After mature deliberation, I promised not to open fire that day, and to wait their reply until 12 o'clock at night; as this kind of armistice involved no other compromise, I continued making my preparations for the combat.

Now, aside from these official declarations, I learn verbally from Mr. St. John, the British minister, that General Baquedano, in assenting to the armistice, did reserve the right to complete the movement already begun of massing his artillery on his left (the right of the Peruvian line), and he sometimes states it as a right to complete any movement already began; but, so far as I can learn, this was the only movement so begun. Now, whether this condition (whatever it was)was fully explained to and understood by Piéralo I think there is some room for doubt, though I am far from charging or believing that the French and English ministers or the dean of the corps purposely withheld from Piérola these conditions. Yet, in the haste and excitement incident to their conference with him, I can readily see that there was much room for misapprehension, and that Piérola may not have had the same full apprehension of these conditions that General Baquedano had.

This is all I can, with propriety, say of this affair until further authentic information shall be obtained.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 243.—Translation.]

Señor Garcia to the Dean of the Diplomatic Corps.

SECRETARY-GENERAL,
Canta, January 20, 1881.

After the battle of Chorillos of the 13th instant, between the part of the national army defending that line and the invading forces of Chili, his excellency the Supreme Chief of the republic ordered the retreat of the army on the positions of Miraflores, which were also the camp of the Lima reserve.

The morning of the 14th instant a Chilian flag of truce, accompanying Col. Miguel Iglesias, commander-in-chief of the first division of the Peruvian army, and who was made a prisoner during the battle of the previous day, made their appearance towards the right front of our line. Their object was to ask a pass for Colonel Iglesias, who, under word of honor, came on a mission from General Baquedano to the Supreme Chief. This being granted, Colonel Iglesias made known to his excellency the object of his mission, which was to ascertain if, on the part of the Government of Peru, propositions of peace would be heard. The affirmative answer of his excellency led to

an open field for any negotiation, he specifying moreover that those propositions could either be made by writing or verbally, by a negotiator duly authorized. With that frank answer Colonel Iglesias went back to the camp of the enemy.

Two hours afterwards a second flag of truce was seen by our advanced guards, and with it the Chilian chief, Señor Guillermo Lira Errazuris, who was introduced into the general staff of his excellency the Supreme Chief. The undersigned, who was ordered to communicate with the Chilian chief referred to, heard his proposition, which was to disoccupy immediately the positions of Miraflores in order to be occupied by the Chilian army; this was demanded as a previous and indispensable condition before commencing the discussion.

Miraflores being the support of our right wing and the dominant point of that second line of defense, such pretension was equivalent to exacting a complete victory without exertion or loss of any kind.

Similar observations and many others pertinent to the occasion, which I omit to state to avoid confusion, were not sufficient to modify in the least the ideas of the Chilian commissioner, whose intentions were evidently directed to his single object, going so far as to reject the proposition of a short armistice, which I stated as a means for discussion, free from the natural excitement of the recent contest which we had just sustained and in face of the new one which we now found imminent. In view of the impossibility of an agreement, we ended this fictitious negotiation for peace.

It was then when the friendly mediation of the honorable diplomatic corps accredited to Peru begun, initiated by a commission chosen from among them and composed of the honorable ministers S. St. John and De Vorges, who asked his excellency if Peru would accept their friendly mediation which they proposed, and offering at the same time to go to the camp of the enemy for that purpose.

Such worthy and benevolent proceeding will always be cause of gratitude from the people and Government of Peru.

The facility of communication, and afterwards that of going to the Chilian camp, which those honorable ministers, in representation of all their colleagues, have had are too well known to your excellency to mention them here.

But it is indispensable to remember, because it is for the prestige of those representatives, for that of the friendly nations to Peru, in which name they acted, and for military honor, which is uniform in all the civilized nations of the world, that negotiations of peace were opened under the friendly intervention of the diplomatic corps. His excellency receiving word through your excellency and the honorable ministers of Great Britain and France, Messrs. Spencer St. John and De Vorges, of the assurance given by the Chilian General Baquedano, and accepted by him in the same form, that no act of hostility would be practiced until 12 o'clock of the night of Saturday, the 15th, the time which said general limited to receive an answer to the propositions of peace, and which declaration, according to the rules of war, constituted a true armistice.

Notwithstanding such solemn agreement, the Chilian navy, composed of 14 ships, formed a line of attack in front of Miraflores from the morning of the 15th, and the army on the other hand advanced in line of battle in front of our line, shortening the distance to some 1,800 meters, placing conveniently its artillery, and taking advantageous positions which they could not have taken without great sacrifice.

Of all these movements, which infringed what had been agreed upon, his excellency the Supreme Chief received constant notice, in the presence of Admiral Sterling, of the British fleet in the Pacific; Admiral Du Petit Thouars, of the French fleet; the commander of the corvette, Christoval Colon, chief of the Italian fleet, and another commander of an English vessel, all of whom went there to offer their humane and friendly action; but as all this took place in the rooms inhabited by his excellency the Supreme Chief, in the presence of all the members of the diplomatic corps, it was impossible to the loyalty of the Supreme Chief to admit that, under such exceptional circumstances, an act of perfidy was intended to be realized which could hardly occur even among the half-savage tribes of Africa or Araucania.

While this was happening, his excellency, as also your excellency, the admirals and commanders, who at that moment were in his company, received as first notice the fire which simultaneously broke out at 1.30 p. m.* from the Chilian army and navy upon Miraflores, and on our right wing, beginning thus the battle of Saturday 15th, which treacherous origin was witnessed, with imminent peril of their lives, by your honorable colleagues, the admirals and commanders already named, as also the naval officers of the United States, France, Great Britain, and Italy, who were added to our general staff.

The soldiers of a nation who, like those of Chili, have, with many of our chiefs and officers prisoners, coolly and cowardly shot them, assassinating on the battle-field the helpless wounded, and totally burning, after their occupation, the towns of Chorillos, Barranco, and Miraflores, and following the fatal logic of barbarism, were bound to disregard all moral respect and military agreement.

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* The actual time was 2.20 p. m.—I. P. C.

The object of the present letter, which I have been ordered to address to your excellency, is to leave an official record of the authenticity of those facts, craving your excellency to give a copy of it to each of your honorable colleagues, for all of whom this is intended.

I remain, &c.,

AURELIO G. Y GARCÍA.

No. 308.

Mr. Christiancy to Mr. Evarts.

No. 245.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 25, 1881. (Received April 5.)

SIR: Referring to my dispatch No. 242, I have the honor to inform you that since then the Chilian authorities here have definitively determined not to treat with Piérola, at present the only recognized government of Peru, recognized by all the other governments who have representatives here, and by Chili herself by treating with him at Arica.

A movement has therefore been initiated among some of the leading citizens of Lima and Callao, and encouraged by the Chilian authorities, to establish a new government in opposition to that of Piérola (who is still at Tarma or Jauja). And at a meeting of 110 of those citizens a Mr. Francisco García Calderon was, by a fair majority of that meeting, declared to constitute, to use their own language, the "unipersonal government" of Peru.

At a superficial glance this would seem to be an attempt to get rid of one distatorship clearly adopted by the people of the whole Peruvian Republic, and recognized by foreign governments, including Chili, for a new dictatorship, adopted by the majority of a self-constituted meeting of 110 men of Lima and Callao, and recognized as yet by nobody else except Chili. In this aspect merely it would, of course, be simply ludicrous.

But the intention, as professed by this new "unipersonal government" and by the Chilian newspaper here (for no Peruvian paper is allowed to be published here) is that this movement for the establishment of a new government shall be submitted in some form to the people of Peru; that an appeal shall be made to the people, who shall be invited to sanction this government until a Congress can be called together to ratify it or to establish another in some form. And, of course, if the people of Peru choose to ratify or concur in this or any other form of government, it must then be considered legitimate and acknowledged as such. But Chili does not intend to accept any treaty as final without its ratification by a Peruvian Congress, though she may, in the mean time, agree upon a provisional treaty with this provisional government, only to be submitted to and ratified by a Congress.

The friends of this new movement profess to have two objects in view: First (which no one doubts their desire to attain), to secure a peace with Chili; and, second, by this appeal to the people to get back to a constitutional government under the constitution in force before the dictatorship; but this last object many appear to doubt. Owing to the difficulty of communication, it will take some time, I should say nearly or quite two months, to get here an authentic expression of the

will of the people in all parts of Peru in any fair and regular way. In the mean time the Chilian army will probably continue in Peru, living upon the country.

If the appeal to the people succeeds in securing the popular support, peace (upon such terms as Chili may choose to dictate) will probably be the result.

But if, as I fear may happen, the people of only a part of Peru may approve, and those of any considerable portion should still adhere to Piérola, the result would be likely to prove calamitous indeed to Peru, producing a civil war in addition to the war with Chili.

It is the opinion (or, I would rather say, the strong suspicion) of many that this result is what is desired by Chili, and that her efforts are intended to produce it for the purpose of enabling her to demand a larger cession of territory, if not to give her an excuse for seizing the whole of Peru.

The main ground for this opinion, or suspicion is, that Chili refused to recognize or treat with Piérola, the only recognized government, after he had consented to treat and appointed his commissioners; but, until shown by further developments, I am not ready to attribute to them the design of attempting the permanent conquest of the whole of Peru, though there are some Peruvians and many foreign residents who would prefer this result as best calculated to give the country a more stable government.

In the proposed appeal to the people by the new provisional or proposed provisional government, I think it probable that the portion of Peru west of the Andes will ratify the movement, as much of it has already been overrun by the Chilian forces, and the people clearly see that the Peruvian Government, whether the new, or the old, is, and will be for a long time, powerless to afford protection; and that peace, therefore, is absolutely essential.

But that portion of Peru east of the western range of the Andes, the best, but least peopled part of Peru, the people have felt less of the evils, and none of the ravages of the war. Piérola is among them; and if, now that Chili has refused to treat with him, he should conclude to attempt to sustain his own government, or induce the people to refuse the recognition of a new one, the worst consequences are likely to follow. He has, it is true, scarcely any arms or munitions, and no funds to purchase them, or means to get them into the interior, if he could purchase any amount of them. Nothing more than a guerrilla warfare, could, therefore, be carried on; but this would be sufficient to ruin Peru, and justify Chili in the use of the harshest measures.

I am informed by General Adams, from La Paz, February 6th, that the Bolivians do not take it for granted that the war is over; that they are just now importing arms through the Argentine Republic, and he thinks the war likely to continue. It may be that Piérola may make his way south and join with Bolivia to prolong the war; but this is not my opinion. I am strongly inclined to think that when Bolivia comes to understand fully the inability of Peru to take a principal part in the war, she will make a separate peace.

I have, &c.,

I. P. CHRISTIANCY.

No. 309.

Mr. Christiancy to Mr. Blaine.

No. 251.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 8, 1881. (Received April 5.)

SIR: Referring to your dispatch No. 119, I have the honor to reply—

1st. That if any danger to neutral vessels ever existed from Peruvian boats "containing explosive materials" being "sent adrift on the chance of their falling in with some of the Chilian blockading squadron," that danger had all passed some days before your dispatch was written, as you will have discovered from my dispatches; the Chilians having the entire possession of the Peruvian coast, and there being no further opposition to them along the entire coast of Peru.

2d. I know of no government of Peru to whom I could present a remonstrance, except to Piérola, who is in the interior beyond the first range of the Andes at Jauja, and has not, so far as I am yet informed, appointed any minister of foreign relations with whom I can correspond.

3d. I will say that there never has been any real danger to neutral vessels from the cause mentioned, so far as I know or have been informed. But three instances have occurred during the war (so far as I have ever heard) which could by any possible latitude of construction come within the grounds of complaint mentioned. The first was the case of the Loa, mentioned in my dispatch No. 183, which occurred in the bay of Callao far within the blockading lines, where no neutral vessel (except naval) had any right to come, and where for months they had not attempted to come; and the neutral naval vessels within the bay or near it, not being, like the Chilian vessels, likely to seek to take prizes, and knowing that both belligerents equally were using all the stratagems in their power to injure each other, and being on the alert for these were in no danger of being caught in the trap set by either.

No complaint was ever made or suggested to me on behalf of any merchant vessel of the United States, nor of any of our naval vessels on this score.

The only other cases which have come to the knowledge of the public, in which the Peruvians had put concealed dynamite in any boat or launch, was in the case of the blowing up of the Chilian naval vessel the Covadonga. This took place in the harbor of Chancay, and in the following manner: The captain of the port had a very fine and attractive row-boat, in which he had formerly been accustomed to go out to the vessels anchoring there. In this boat it seems there had, just before the destruction of the Covadonga, been concealed a large quantity of dynamite between the outer and inner skin of the boat. The boat was then anchored or fastened to the shore. The Covadonga came in and destroyed several other row-boats and launches or sunk them; but this one being so fine a boat and so attractive the officers of the Covadonga could not resist the temptation of taking it for their own use. They therefore sent in a small boat for the purpose of taking her, and the seamen in the Chilian boat fearing some *ruse de guerre* passed their oars all around and under her before venturing to seize her, but finding nothing they took her and rowed her to the Covadonga, when ropes were put into the rings of this boat and they began to hoist her up by the aid of the ship's davits; at this moment the explosion took place, sinking the Covadonga.

Surely here was no danger of any neutral vessel, merchant or naval, being caught in the trap, as none of them would have ventured to seize upon the boat recognized as that of the captain of the port.

There was one other case in which the Peruvians sent out a launch with dynamite in the port of Callao, toward the Chilian fleet, which blew up before reaching the fleet. This created no danger to the neutral naval vessels, and no merchant vessels were in the port or allowed to be there.

I have, &c.,

I. P. CHRISTIANCY.

No. 310.

Mr. Christiancy to Mr. Blaine.

No. 253.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 8, 1881. (Received April 5.)

SIR: In reply to your dispatch No. 123 I have the honor to state that I believe the telegram of Piérola therein stated to be entirely correct, though I had no knowledge that he had sent it.

It is quite true, as you state, I had not informed you by telegraph of the taking of Lima by the Chilian forces, &c. There were several reasons why I did not telegraph: 1st. There is no telegraph line from here, the nearest being Panama, and the next nearest from Arica by way of Valparaiso and Europe. 2d. I have never been furnished with a cipher, and my dispatch, therefore, would be public. 3d. My experience in telegraphing, or attempting to do so, has not been favorable, as I telegraphed you from Arica (via Europe) on the 28th October last, the result of the conferences there, and again sent one to same effect by mail to Panama to be telegraphed to you from there, in the early part of November, and have to this day received no acknowledgment of the receipt of either, and I am in doubt whether either has been received. These were both sent without expense to the United States. 4th. I knew that by the ordinary channel of telegraphy from Chili to Europe you would hear all I could telegraph as soon as I could send a dispatch, and this without cost to our Government. 5th. I was careful to keep you informed by my dispatches by mail of all that had taken place, never neglecting a single mail, and long before this you must have received those dispatches, though not till after your dispatch No. 123 was written.

I have not been unmindful of the desire of my government expressed by you, in which I fully participate, to bring about a peace between the belligerents "upon reasonable and honorable terms compatible with the true welfare of all the belligerents, and so as to be lasting." But I find little room for any efforts of mine in the face of the repeated declarations of the Chilian authorities here that they will not admit the mediation or even the good offices of any other government or of its representatives here in any arrangement for peace.

Under such circumstances you will readily perceive that I need more specific instructions before I can press upon the Chilian authorities any definite terms of peace.

On the other hand, Piérola, the only government yet recognized by Peru and by all foreign representatives here, is in the interior at Jauja,

willing and anxious to treat for peace—as I know from his letter to a friend here shown to me some days since. But the Chilian authorities here have declared, as I have already informed you, that they will not recognize him as the Government of Peru, nor treat with him as such.

If I can see any opening where my efforts can be of any avail for peace, I shall not lose the opportunity.

For a further explanation of this matter, I refer you to my next dispatch.

I have, &c.,

I. P. CHRISTIANCY.

No. 311.

Mr. Christiancy to Mr. Blaine.

No. 254.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 9, 1881. (Received April 5.)

SIR: I have the honor to inclose to you the copy of a circular, addressed by Piérola, through his chief secretary, García y García, to all the members of the diplomatic corps here, dated Jauja, March 1, 1881, together with an English translation of the same.

I need not comment upon this except to say that, with the exception of its complaint of the mere paper blockades, it is, in my opinion, as well founded in fact as papers of this kind can be expected to be, and not very materially variant from the actual truth.

I understand from report (though I have not seen the decree) that Piérola has issued a decree for the election of a congress on the first of May next, to meet at Ayacucho, on the third day of June next.

I understand also from general public report, that the Chilian authorities here declare, not only that they will not recognize Piérola as the Government of Peru, nor treat with him, but that they will not recognize a congress called together by him, or elected under his decree. I hope this is not true, since, under present circumstances, it authorizes a more or less strong suspicion that they are seeking to produce or continue such a state of chaos as to afford a pretext for the general spoliation of not only all public property of Peru but the private property of her individual citizens.

The attempt to form a new Peruvian government here in opposition to that of Piérola, described in my dispatch No. 245, seems from present appearances to have utterly failed. Mr. F. G. Calderon found great difficulty in getting proper ministers to hold offices under him; but when he finally thought he had got this arranged, he, for the first time, as it would seem, began to inquire how far his Chilian friends meant to allow his government to govern.

He requested that the Chilian army should be withdrawn from the city of Lima, that he should be allowed to occupy the government palace and raise over it the Peruvian flag, and that he should be allowed to control the custom-house and the collection of duties, &c., all of which was refused; whereupon, as I understand, his proposed ministers refused to act, and he himself was disposed to decline the task of forming a government. It is now again reported that he has not finally given up the attempt, but as yet nothing definite has resulted.

During the time that these efforts to form a new government were in progress, and while they promised success, the movements previously

set on foot by the Chilian authorities for levying war contributions were allowed to rest without any step taken for their enforcement. But as soon as the attempt to form the new government had apparently failed, viz, on the 5th instant, General Saavedra, at present commander-in-chief of the Chilian forces, issued the bando (decree) of the last-named date, a copy of which, with translation, I herewith inclose.

And on the 7th instant he issued the further decree for the collection of $1,000,000, for the month of February, being $20,000 from each of the fifty persons named, of which I also inclose a copy with a translation.

I call your special attention to the penalty imposed by this decree for non-payment at the day—the destruction of property of the delinquent to three times the amount.

According to the information I have received, and which I think trustworthy, many of the persons named will be able, without much suffering, to raise the $20,000, but many of them will not, as in some cases it is all that the man is worth, and in some much more than he is worth.

In some cases the only property the man owns consists of houses and lots in the city of Lima or in Callao, with furniture, &c. To destroy these by fire would endanger the whole city, neutrals and natives suffering alike. It may be otherwise destroyed.

But this wanton destruction of private property seems to me to verge very closely upon a violation of that humane law of modern warfare which forbids making war upon unarmed, non-resisting private citizens, or upon their individual property. And though the laws of war seem yet to permit the levying of war contributions, I would suggest that, according to the best and most approved practice of the civilized nations of to-day that right should only be exercised upon municipalities or other governmental divisions of a country, leaving the local authorities (who much better know the ability of their respective citizens) to apportion the burden.

I had the honor to call your attention to this point in my dispatch of September 17 last, No. 194, in hopes that I might receive some instructions upon it, but as yet I have not had a word in reply.

You will permit me further to suggest, whether if an invading army can levy its contributions directly upon private persons and destroy their property for non-payment, that humane rule of modern warfare which forbids making war upon, seizing, or destroying private property without any offer or idea of compensation, cannot at any moment be set aside by merely changing the *name* of the operation to that of "*contribution.*" For instance, the commander of the invading force going to a hacienda or sugar estate, says to the owner, "I want $100,000 out of your property for the support of my army or the expenses of the war; the laws of modern warfare do not permit me directly to seize it or to destroy it, without giving you compensation or promising such compensation in future. But I can demand it as a 'war contribution,' without any idea of compensation, and destroy all your property as a penalty for non-payment of that contribution."

It is respectfully suggested that the distinction between these two modes of proceeding is a very thin and not a very tangible one. (See Woolsey's introduction to the study of international law, section 130.)

It is right, I think, in connection with the decree of General Saavedra of March 7, above referred to (No. $\frac{3}{254}$), to remark that an influential portion of *the most* influential portion of the Chilian press is very bitter and abusive toward General Baquedano, for not having sacked and burned Lima; and how far the severe measures now proposed for

collection of the war contributions may have been produced by the influence of that press (an influence which prevented any desire for peace at Arica) I do not know, but leave you to draw your own inferences.

It is right also that I should inform you that from public rumor, (which, I think, is generally credited by the diplomatic corps, though I have seen nothing official to warrant the belief), it is generally believed here that the Chilian authorities here intend to carry away with them to Chili not only all warlike material and machinery (of which no one can complain) but all the paintings, statuary, and libraries belonging to Peru and to the municipality of Lima. As to the last, it is sincerely to be hoped that the Chilian Government may not dim the lustre of their victory by acts so repugnant to the sentiments of modern civilization; and for one, unless otherwise instructed, I shall be ready to join with the diplomatic corps in an earnest protest against such barbarism.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure 1 in No. 251.—Translation.]

Mr. García to Mr. Christiancy.

CIRCULAR.

SIR: The war which the Republic of Chili has waged against those of Peru and Bolivia during nearly two years carries with it a complete perturbation of the principles of international law, which, either by tacit consent or by the solemn stipulations of treaties, regulate the action of States in their common relations.

Without dwelling for the present upon the origin, sufficiently elucidated already, of this war, which knows no other cause than the sordid interest of our gratuitous provokers and adversaries, it becomes my duty, now that extraordinary occurrences have created an exceptional situation in the capital of the republic, to call the attention of those nations friendly to Peru to the antecedents which, during the course of the struggle, have marked such irregularities, and the development of which, tenaciously sought by Chili, is the only cause of the agitation in which the South Pacific States still live.

The blockade of our port of Iquique, established by the same squadron which brought the declaration of war against Peru, made by Chili, on the 4th of April, 1879, was the beginning of hostilities against this country.

This act of premeditated surprise was the answer to the friendly steps being at that moment taken in Santiago by our extraordinary mission charged with the re-establishment of harmony between Bolivia and Chili, which had been interrupted by the warlike occupation of the Bolivian port of Antofogasta, consummated on the 14th of February antecedent.

In order to justify its aggressive action, much has been said on the part of the Government of Chili in regard to the treaty of alliance entered into years ago between the Republics of Peru and Bolivia, but it is sufficient to read that document of mutual preservation to become convinced that it involves no hostile intention towards anyspecified nation, nor much less does it bind them to make common cause in the complications wherein one or the other nation might find itself entangled; each one, on the contrary, reserving to itself the right of declaring when the *causus fœderis* had arrived, an emergency in regard to which Peru had certainly advanced no opinion whatever.

Solemnly bound as is Chili to the treaty of Paris, which abolished the so-called paper blockades, or those of mere notification, nothing in that undertaking has stopped her, and her vessels, after many months of useless delay in Iquique, employed themselves in cruising in various belts of our coast, blockading, by means of simple notifications, ports which they had not naval forces sufficient to close, and which they consequently only visited occasionally.

Private property, out of the pale of military operations, the object of the greatest respect in the struggles of modern times, and one of the most precious triumphs of the civilization of to-day, has been, during the contest we sustain, that which has suffered the most frequent and disastrous blows from the land and naval forces of Chili, wheresoever these have presented themselves.

The useless and intentional destruction by fire of Pisagua, Tacna, Mollendo, Chorillos, Barranco, Miraflores, Ancon, Chancay, San Nicolas, Palo Seco, and many other towns

and flourishing industrial establishments, as well as the removal and embarkation from all of them of merchandise and household furniture, belonging to natives and foreigners, in full view of all who happened to be present at these different places, bear undeniable testimony to the truth of my assertions.

Unarmed and unprepared as was Peru to sustain a war so carried on, it is not strange that, wanting in a navy sufficient to oppose that of the enemy, the latter, domineering over our extended coast, should with impunity carry his troops and ships wheresoever he might propose to hostilize us. The natural consequence of such military movements could not be other than the unmolested occupation of the unprotected seaboard valleys and towns, or that occupation facilitated as a result of battles, wherein always, and for the same reasons, we fought with inferior forces upon our side.

If, after the advantages gained by Chili, there had at any time followed the enunciation of the motives impelling her to go to war, and of the redress she expected to claim in order to put an end to it, it is beyond doubt she would have evidenced a respect for the customs established between nations who go to war to obtain the legitimate satisfaction of grievances or reparation of wounded interests, and we, listening to her proposals, and bringing them to the light of a calm discussion, would have put a decorous end to the irreparable losses and disasters which the belligerents of to-day will forever lament.

But, far from this, every military advance of Chili in our territory was the signal for new armaments and increase in her expeditionary forces, while in the congress of Chili and in her press it was that of unreserved propaganda of the annihilation and extermination of Peru.

This plan reprobated by Christianity, and which will appear to the right minded impossible to conceive is nevertheless to all appearances that which presents itself to us to-day.

Intentionally, and so as not to set forth in this tranquil document the bitterness overflowing the heart of every patriot, I omit the details—moreover well known—of the manner in which Chili presented herself in the Arica conferences, and of the intentions there revealed by her plenipotentiaries, or to mention the pretended negotiations of Miraflores. History, with her impartial criterion, will judge both events.

The Chilian Government, consistent with its already manifested designs for completing the ruin of Peru, it has been her most constant endeavor, since the occupation of Lima and Callao on the 17th of January last, to promote all kinds of internal dissensions. With this object it has established in the former city a semi-official newspaper, which, issuing from the government printing-office, has occupied itself since its inauguration in spreading abroad all kinds of imposture, in defaming our public men, discrediting the principles governing society, and artfully endeavoring to prove the non-existence of a government, notwithstanding the fact that that of his excellency the supreme chief has the obedience of the entire nation, without excepting a single village.

These artful wiles, aimed against the sovereignty of Peru, did not at first possess the gravity they have later attained, since, although the work of well-known authors, they had until now no official character.

After the occupation of Lima, and it being in consequence thereof impossible to treat directly with the honorable diplomatic corps resident in that capital, the government accredited as its confidential agent near that body Dr. Don Manuel Yrigoyen, whose only duty was to continue the mediation by that corps, and accepted in Miraflores on the 14th of January last.

The interposition of the friendly powers, at the same time that it consulted the decorum of the belligerents, was a sure guarantee of justice and exactness in the solution of the pending conflict, but the peremptory declaration made by the Chilian agents that they would in no case admit that interposition, a resistance impossible of any worthy explanation, although it clearly showed the true views of Chili in the present war, frustrated that efficient mode of solution.

His excellency the Supreme Chief, wishing nevertheless to do away with even the remotest pretext under which our enemies might shelter themselves in order to carry on the war, named plenipotentiaries, fully authorized to negotiate directly a peace with those whom the Government of Chili might see fit to designate with like object.

The conciliatory efforts of our ministers, Doctors D. Antonio Arenas and D. Lino Alarca, have been entirely sterile. Messrs. Vergara and Altamirano, who state that they possess full powers to negotiate a peace as representatives of Chili, declared that, "refusing to treat with his excellency the supreme chief they considered themselves as carrying out their instructions, which ordered them not to treat save with a government solidly sustained by the national will." General Baquedano had also replied to our envoys that Colonel Don Francisco Vergara and Don Eulogio Altamirano were the plenipotentiaries named by the Republic of Chili to treat with those who might be designated *by the government which Peru might desire to give herself*. We have here, therefore, the commander-in-chief of the Chilian army and the plenipotentiaries of the nation constituted as deciders and arbitrators of the legitimacy of the government of

Peru We have here the fact, new in the annals of the political relations between peoples, of the refusal to admit by a stranger as a national government that which the whole country recognizes as such, and in order that the deformity may be more monstrous life and impulse are given, beneath the shadow of the Chilian flag, to meetings whose strength lies there alone, establishing thereby an odious protectorate that will always be repudiated by the Peruvian people, whatever the depths of their misfortunes, and in spite of the terrible martial law with which the semi-official organ at the same time threatens public manifestations tending to defend the autonomy and independence of the nation, however tranquil they may be.

I leave to the profound sagacity of your excellency the appreciation of events which you yourself have witnessed, and the truth of which is perfectly known to you.

The authority of his excellency the supreme chief having been derived from the confidence which the people of Peru have deposited in him, and which they still maintain, strengthening it daily by new proofs of adhesion, he will maintain unshaken that authority until he can deposit it in the hands of the national representatives, laying it down before the assembly elected by the people, which will soon meet, in accordance with the supreme decree of this date, so that it may also freely deliberate upon the future destinies of the country, in view of the situation created by the causes to which I have referred.

Be pleased, your excellency, to place these facts before the Government of the United States of North America, so worthily represented by your excellency near the Government of Peru.

With sentiments of the highest consideration and esteem, I am, &c.,

AURELIO GARCÍA Y GARCÍA.

[Inclosure 2 in No. 254.—Translation.]

Decree or bando of General Saavedra (at present commander-in-chief) of the 5th of March, 1881.

No. 496.

Having seen the foregoing note of the minister of war in the field,

I decree:

1st. There shall be established in the city of Lima an office of "Collector of the contributions of war," whose functions and obligations are as follows:

1st. To take under its charge and inventory the property and things of every kind which the public buildings and establishments (of which the army has taken possession) may contain, as well as all articles of a warlike character.

2d. To point out and take note of all that pertains to the public administration and which may not yet be in possession of the army, for the purpose of providing the proper measures in reference thereto.

3d. To ascertain and take accurate note of all things which have been remitted to Chili, its destination, and the party sending the same.

4th. To inquire what remittances may be properly made to Chili, and to effectuate those that shall be determined upon, specifying the kinds, with all the details and a proper valuation, directing them to the proper parties, as shall be determined upon.

5th. To propose the contributions which are to be collected for the maintenance of the army, and in general for all the expenses which the military occupation occasions.

6th. To collect the contributions which shall be decreed, and to deposit them in the commissariat of the army.

7th. To represent the supervision which may be decreed in any of the public establishments or institutions, in the administration of funds.

2d. This office may establish branch offices outside of Lima, with the same object, at other points occupied by the army, previous approval being obtained.

3d. The chief of the office shall propose the rest of the employés and their salaries and a regulation which comprehends the proceedings to be had to fulfill the objects of this office.

4th. Don Alvaro Francisco Alvarado is named chief of the office for the collection of contributions of war, with the salary and compensation which he now has as an officer of the general intendencia of the army and navy in active service.

Let it be recorded and published, and let an account be given to the supreme government for its approbation.

C. SAAVEDRA.

[Inclosure 3 in No. 254.—Translation from Actualidad, March 7, 1881.]

THE CONTRIBUTION OF WAR, ONE MILLION MONTHLY.—LIST OF THOSE WHO MUST PAY FOR MONTH OF FEBRUARY.

CORNELIO SAAVEDRA, general of brigade and in chief of the army of operations of the Republic of Chili.

Whereas, having in view the execution of article 3 of the decree of the 9th February last, and the note of the minister of war of the 5th of the present month,

I decree:

1st. That the department of Lima and Callao shall pay monthly the sum of one million of pesos in silver, or its equivalent in current money, according to the exchange of the time, to meet the expenses of the army of occupation.

2d. The million for the month of February last shall be paid by the persons mentioned below, each of whom shall contribute twenty thousand pesos in coin for his quota.

[Here follow fifty names for 20,000 pesos each.]

3d. The space of eight days is conceded from this date for the persons designated in the foregoing article to present themselves to complete the payment of the quota, fixed at twenty thousand pesos, in coin, assigned to each, into the office charged with the collection of the war contributions ordered by the decree of the 5th of the present month.

4th. If any of the persons named shall not pay his quota within the time fixed proceedings shall be taken to destroy, for the present, of the property of the delinquent at least three times the value, without prejudice to the right of personal compulsion.

5th. The chief of the general staff, Col. Don Pedro Lagos, is charged with the execution of this decree, and to this end the chief of the office of collection shall give an account on the same day of the term fixed by article 3 of the persons who have failed to make such payment.

6th. From this date no person of Peruvian nationality can absent himself from Lima or Callao without a passport previously issued from the general staff, under the penalty to the infractors of being tried before a military tribunal. This article does not apply to those who travel only between said two cities.

Let it be recorded and published. To the end that this decree shall be brought to the knowledge of all, it shall be published by proclaiming the same in public and fixing it up in hand-bills in the most public places of this city and Callao, it being the intention that this publication shall have the effect of a personal notice.

Given at the palace of government in Lima on the 7th of March, 1881.

CORNELIO SAAVEDRA.

No. 312.

Mr. Christiancy to Mr. Blaine.

No. 256.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 16, 1881. (Received April 11.)

SIR: Referring to my dispatch No. 254 (last paragraph), I have the honor to inform you that since that I have ascertained that, even before that letter was written, the whole of the public library, known as "Biblioteca de San Pedro," in Lima, belonging to the Government of Peru, and the largest and most valuable in South America, had already been taken by the Chilians and put on board the fleet to be sent to Chili.

And before and since that dispatch they have, as I am informed, also taken from the exposition grounds and buildings belonging to the Benevolent Society of Lima all the paintings and pictures in the buildings on those grounds, all the collection of animals (a menagerie of them), and everything of value that could be taken; the laboratory and the appurtenances of the School of Medicine, amounting to over half a million of dollars, and everything that could be moved from the school of Arts in Lima, consisting of models, machinery, &c., for teaching in the arts and sciences and in the various trades. This School of Arts belonged to the Government of Peru.

For myself, I look upon this as a violation of the rules of civilized warfare, which calls for an earnest protest on behalf of all civilized nations; and I have been in favor of such protest being made by the diplomatic corps here. I am satisfied that the large majority of the corps would join in it; but there are some who, while agreeing that it is contrary to the modern principles of warfare, yet, for reasons of policy, think it not best to make the protest, lest it might prejudice the Chilian Government against neutrals here.

A meeting of the diplomatic corps was held yesterday at my suggestion, made the day before. But I was taken sick the night before and was totally unable to attend; and I understand no action was taken by the corps upon this point.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—If I thought the failure of protest could in any manner operate as an acquiescence in the propriety of such acts on the part of Chili, I should protest against them, though I might stand alone. But as I am not accredited to Chili, I do not suppose that my neglect to protest can be construed into an approval by my government.

I. P. C.

No. 313.

Mr. Christiancy to Mr. Blaine.

No. 257.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 16, 1881. (Received April 11.)

SIR: Referring to my dispatch No. 254, in reference to the attempt to form a new government of Peru, under the auspices of the Chilian authorities, I have the honor now further to inform you that the attempt, though for a time apparently abandoned, has since been persisted in; and on the 12th instant that new government was installed at the small hamlet (too small to be called a village) of Magdalena, about 3 miles from Lima, which has been declared neutral territory; and that the provisional president, Francisco García Calderon, has appointed Aurelio Denegri president of the council and minister of finance, Manuel Velarde minister of government and public works, José Miguel Velez, minister of justice and public worship, and M. M. Galvez, minister of foreign relations.

For your information in respect to this new government, I inclose three numbers* of El Orden, the organ of this government, of the 12th, 14th, and 15th instant, which I have no time to translate, but which will show the progress of things up to this date.

As Piérola still claims to be the Government of Peru, the great question for me and other ministers here to decide is that of recognition, all having heretofore recognized Piérola. My own view is that I cannot recognize this new provisional government until it shall appear to be a government of Peru, instead of Lima and Callao; in short, without instructions from you, I cannot recognize it until satisfied from a vote of the people or clear acquiescence the larger portion of the people seem to have adopted it, nor until it shall show some evidence of the power to sustain itself as the Government of Peru.

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* The inclosures are lengthy and in the Spanish language. They will be furnished if deemed necessary.

If, for instance, Piérola holds one-half of Peru and Calderon the other, I could not recognize the latter, unless so instructed by the Department.

I am just informed that this new provisional government, with the aid of a committee of the diplomatic corps, have made an arrangement by which a little time is given for the payment of the $1,000,000 due on the 14th on their paying $200,000 to-day, and that the penalty for non-payment is not to be enforced by the proposed destruction of property. But I cannot give you the particulars with certainty, as I am unable to go out.

I have, &c.,

I. P. CHRISTIANCY.

No. 314.

Mr. Christiancy to Mr. Blaine.

No. 261.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 21, 1881. (Received April 16.)

SIR: Referring to my dispatches Nos. 253 and 259, I have now the honor further to inform you in further answer to your dispatch No. 123 that as the Chilian authorities here had constantly declared their fixed determination not to accept the arbitration, mediation, or even the good offices of any other government in bringing about a peace with Peru and Bolivia, I could see no door open by which I could approach the Chilian authorities here, without appearing to be officiously impertinent and intermeddling. Nevertheless, on the 16th instant, hearing that General Saavedra and Mr. Altamirano (the last of whom seemed to be the representative of the Chilian Government here in matters not strictly military), were to leave on that day for Chili, I left on that day with Mr. Vergara, the Chilian secretary of war at the palace, to be shown to Mr. Altamirano before he should leave, of copy of so much of your dispatch No. 123 as reads as follows:

> I find it necessary to desire you to press upon the Government of Peru, and on such Chilian authorities as you may have access to, the earnest desire of this government to bring about a peace without unnecessary delay, and upon reasonable and honorable terms compatible with the true welfare of all the belligerents, so as to be lasting.

I thought it well that Mr. Altamirano should take this, or the knowledge of this, with him to the Government of Chili. But I did not think it wise to go any farther at this moment, or without farther instructions from your Department, as it appears to me quite evident that the Chilian Government have determined to make Peru drink the last dregs in the cup of national humiliation, in any peace she will be ready to grant, and that nothing short of active intervention of the United States, or some foreign power or powers, can defeat the determination. And, though it is not for the interest of the United States or any other neutral power thus to humiliate Peru, yet in view of the traditional policy of the United States, it would not be possible for me thus to intervene between the three belligerents, towards whom our government entertains equally friendly sentiments. I could only be warranted in doing so by the express directions of my government.

Please see my next dispatch, No. 262, in answer to your No. 129.

I have, &c.,

I. P. CHRISTIANCY.

No. 315.

Mr. Christiancy to Mr. Blaine.

[Confidential extract.]

No. 262.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 21, 1881. (Received April 16.)

SIR: I have the honor to inform you that I have waited some days, in hopes of being able to give some intelligible answer to your confidential dispatch No. 129; but as yet I can only tell you what has taken place between me and Mr. Suarez, and give you such impressions upon the question of the practicability of his schemes as the present aspect of affairs has produced upon my own mind.

1st. I have had several interviews with Mr. Suarez; in which, however, I have been able to get no very definite ideas from him as to the *modus operandi* of securing the adoption of his plan.

He has, as he informs me, had interviews with the French minister here, who gives him no definite encouragement, and professes to be waiting for instructions from his government.

2d. My own impression is that, though this plan might have been acceptable to Chili in an earlier stage of the war, say before the battle of Tacna, and *possibly* before the conferences at Arica, yet that the time has now passed when it could be made acceptable to Chili, which is so flushed with her recent victories, and so confident of being able to force Peru into compliance with any demand she may choose to make, that she would consider such a proposition so wholly inadmissible that nothing short of the active, and, perhaps, hostile intervention, of the United States, England, and France, or some of them, could now *compel* her to accept the plan proposed.

3d. I have some reason to think that Mr. Suarez has been indiscreet in allowing the programme to become public before any practicable plan could be adopted for its accomplishment. The last Panama Star and Herald, which arrived here, has the programme set out in full, and copied from the New York Herald in an article very decidedly hostile to it. This will reach Chili in a few days, and will so arouse the war party that the government will not dare to entertain such means of settlement for a moment.

In view of these considerations I have not thought it best to avail myself at present of the liberty granted me to "communicate to my colleagues, Mr. Osborn and Mr. Adams, so much of this communication as occasion might suggest, but always in confidence," especially as I could not well communicate a part without the whole; and Mr. Suarez concurs with me that, at present, it would not be best to make such communication. He and I are satisfied that both Peru and Bolivia would gladly accept this programme as a means of solving the present difficulties; and that the whole difficulty would be in procuring the assent of Chili. He therefore talks of going to Chili; but I doubt whether he will do this.

As this is a purely confidential dispatch, I avail myself of the immunity which that confidence affords, to express to you certain opinions and impressions, which I would not venture upon if the dispatch could be expected to be published to the world.

1st. The principal foreign trade of Chili is with England, by way of the cape or the straits, and many of the largest houses of trade in Chili

are English. Many of the officers in the Chilian army and navy are Englishmen; and Chili has obtained from England most of her arms, at least artillery, as well as her naval vessels.

From these and other causes the sympathy between Chilians and the English has been much stronger than between them and the people or Government of the United States. The Chilian Government and people are therefore much more sensitive to English than to American influence. To some, though to a much less extent, these remarks in reference to England apply also to France, though it may be doubted whether the sympathy between Chili and France is such as, in any great degree, to affect results.

On the other hand, though England has a much larger commerce with Peru than the United States have, and the only line of steamers along her coast is English; yet the sympathies of both the government and people of Peru have been much stronger for the United States than for England, and I may truly say than for all the rest of the world. They have constantly hoped that the United States would, in some way, interfere to protect them from the calamities which now overwhelm them. And I am entirely confident that the Government of Peru (whatever that may turn out to be), as well as all her *intelligent* (if not all her) citizens would welcome a *protectorate* of the United States, and I think, that those of Bolivia would do the same.

As a matter of opinion, (sustained, I think, by the majority of intelligent Americans here), I will go farther and say, I believe the people of Peru would be glad if their country could be annexed to the United States. * * * One thing, however, is, I think, entirely certain, that the present war here has reached such a stage, that the influence of the United States on this coast upon any question connected with the present war, or the settlement of peace, can only be secured by active intervention, in some form, against the will of the Chilian Government. Whether our government is prepared to take this attitude, it is for your Department, and not for me, to decide.

I am ready to follow any instructions which your Department may see fit to give.

I have &c.,

I. P. CHRISTIANCY.

P. S.—Since writing the above, I am informed by Mr. Suarez that he intends to leave for the United States by the first steamer.

No. 316.

Mr. Christiancy to Mr. Blaine.

No. 263.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 22, 1881. (Received April 16.)

SIR: Referring to my dispatches Nos. 254 and 256, I have the honor to say that when those dispatches were written, I had only received the facts by general public report. I now inclose to you the letter of Señor Manuel de Odriozola, the director of the Biblioteca Nacional del Peru, dated March 10, but received only on the 19th, showing the spoliation of that library by the Chilian authorities, together with a translation of the same.

Referring to my dispatch, No. 256, in which I stated the value of the laboratory, &c., of the School of Medicine taken by the Chilian authorities at $500,000, I have now to say that I think the value was overstated. I now understand that the laboratory was purchased in Paris for 600,000 francs. I cannot get reliable official evidence in these matters. But the fact of the laboratory having been taken by the Chilian forces (whatever may have been its value) is beyond doubt.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1 in No. 263.—Translation.]

Mr. Odriozola to Mr. Christiancy.

LIMA, *March* 10, 1881.

The undersigned, director of the national library of Peru, has the honor to address himself to your excellency, in order that you may bring to the knowledge of your government the fact of the crime against civilization committed by the Chilian authorities in Lima.

To take as their property libraries, archives, cabinets of science and anatomy, and others which symbolize the intellectual progress of a nation, or help to facilitate its development, is to restore to war a character of barbarism foreign to the civilization of the age and the practices of Christian and enlightened belligerents, and to the universally recognized principles of right.

The Library of Lima was founded in 1822, a few months after the declaration of independence, and was considered by all the literary travelers, who have visited it, as the best among the libraries of Latin America. Being enriched through the protection of subsequent governments, and the gifts of private persons, it had, at the close of 1880, very nearly 50,000 printed volumes (not reckoning duplicate editions), and over 800 interesting manuscripts. True bibliographical curiosities, among which were not a few unreplaceable, or books printed during the first century after the discovery of printing, and which, as your excellency knows, are priceless works at present, very rare, either from the copies being exhausted or for not having been reprinted, especially in the branch of literature and history, the production of nearly all the chroniclers of America, a section in which the establishment was unrivaled, and books presented by foreign governments, among which the United States of America figured largely. Such, Mr. Minister, was the Library of Lima, a library of which we, the sons of Peru, were justly proud.

The capital of Lima having been surrendered to the Chilian forces the 17th January, more than a month elapsed, during which the invaders respected the institutions of learning, no fear was felt up to that time that the Chilian authorities would dare to consider as spoils of war the cabinets of the School of Medicine and university, the apparatus of the School of Arts and Mines, or the important collection of the national archives, and of other institutions of purely scientific, literary, or artistic character.

On the 26th of February, at 3 p. m., the keys of the library were demanded of us, and from that day forward the most scandalous robbery was carried on, the books being carried to Callao in carts, and, I understand, they being shipped to Santiago. The library has been sacked as though it represented war material, and but a few more days will be necessary to finish this act of rapine, carried on under the shadow of the flag of a people considered as civilized and enlightened.

In addressing myself to your excellency, I do it in order that the protest which I make in the name of civilization, morality, and justice may appear before America and humanity, complying in this with a double duty imposed upon me, by my duty as the director of the library, and my patriotism.

With sentiments of high consideration and respect, I have the honor to subscribe myself, your excellency's obedient servant,

ML. DE ODRIOZOLA.

His Excellency I. P. CHRISTIANCY,
Minister of the United States in Lima.

No. 317.

Mr. Christiancy to Mr. Blaine.

No. 264.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 23, 1881. (Received April 16.)

SIR: I have the honor to inform you that Señor Manuel M. Galvez, the secretary of foreign relations under the new government, set up or attempted to be set up for Peru, called to see me yesterday, and especially to inquire what attitude the United States would be likely to take upon the question of peace with Chili, &c.

I explained to him fully that the position of our government had thus far been one of strict neutrality between the belligerents; that while our government was ready now, as always heretofore, to use her good offices by way of mediation or arbitration (to bring about a peace), with the consent of all the belligerents; yet that I had received no instructions which would indicate that she was willing to enter upon an active intervention against the will of Chili or the other belligerents; that, while I was satisfied that our government would regret to see a peace forced upon Peru, which would humiliate her and degrade her, and was desirous of a peace which should be honorable and beneficial to all parties—and therefore likely to be lasting—yet in view of the declared intention of the Chilian authorities not to admit the mediation or good offices of any other government in fixing the terms of peace, and in view of the traditional policy of our government not to intervene in the affairs of others, except with the consent of all the nations concerned, I could give him no assurance that she would now be willing to depart from that policy and intervene between Chili and Peru, against the will of, and therefore in a hostile attitude to, the former; but that I had kept my government informed, and should follow any instructions I might receive. He then inquired what I thought of the policy of sending a special envoy to the United States. I frankly told him that I saw but one objection to this, and that this might be but temporary, viz., that as yet it did not sufficiently appear that this new government was *the* government of *Peru*, and that, until this should appear, the United States might not be willing to recognize it as such; that, inasmuch as our government, with all the other governments represented here, had recognized the Government of Piérola, I should myself, in the absence of instructions to the contrary, be compelled to wait until it should appear by vote or acquiescence of the people of Peru, that the majority approved or acquiesced in the new government, and that I was inclined to think my government would be likely to take the same view of the question; and that, as yet, I had seen no sufficient evidence of this approval or acquiescence; but that the very moment I should have such evidence I should recognize the new government, without waiting instructions; and that all our government wished to know was *what is* the Government of Peru, when they would at once recognize it; but they could not make themselves parties in a contest between two governments, both claiming to be the Government of Peru, until the people of Peru, had decided that question for themselves, &c.

I learn this morning (in a somewhat confidential manner) that this new government intends to send by the steamer of to-morrow, as envoy, or agent, to Washington, a Mr. José Manuel Cantuarias. So far as I can learn, he has the reputation of an honest man, of considerable

ability. He has been consul of Peru to China, and has held, with credit, several offices under the Government of Peru.

I have, &c.,

I. P. CHRISTIANCY.

No. 318.

Mr. Christiancy to Mr. Blaine.

No. 265.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 23, 1881. (Received April 16.)

SIR: Referring to my dispatch No. 263, I have the honor to inclose to you an extract from an editorial in the Actualidad, the Chilian Government organ here, of March 21, with a translation, showing that the Chilian commanders claim, as conquerors, the right to take the apparatus of the School of Arts, as well as books, scientific apparatus, and paintings; that they place all the public buildings, including the palace of government, ending with the last hut or tent of the guards, and all public works, the railroads, with all the bridges over water-courses crossing public roads, on the same ground.

That you may understand the full significance of this, I will say that the Orden, the only paper here published in the interest of the new Peruvian Government, had complained in a very mild and subdued form of the taking of libraries, scientific apparatus, and the property of schools and colleges; and this editorial in the Actualidad (the whole of which is very severe) makes this answer.

It is true they place the right claimed upon the ground of indemnifying themselves for the expenses of war, and compelling the enemy to put an end to the war. But it is easy to see that this pretext may always be put forth with equal justice, and thus the obligation to respect libraries, paintings, works of science and art, as well as schools, colleges, and public buildings, may always be evaded, if it can be in the present case.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure No. 1 in No. 265.—Translation.—From La Actualidad, March 21, 1881.]

* * * * * * *

The Chilian authorities have determined to follow and will still continue to dispose of national property of Peru, with the indisputable right, conceded by all the nations of the world to the conqueror, when it is to repay himself the expenses of the war, and when he has at hand the means of coercion, which obliges the enemy to put an end to the war, in order to prevent worse evils.

This is, nevertheless, the protest of the gentlemen of El Orden, what the Chilian authorities have done with the work-shops of cartridges, the machines of the school of arts, with books and instruments of sciences, and with one historical picture.

They can do it to-morrow with all the public buildings, beginning from the palace of government and ending with the last sentry-box.

They can, the day after to-morrow, still follow in doing so with all the public works, beginning with the railroads and ending even with the bridges over the water-courses crossing public works.

This is the right of the conqueror, and that of the conquered is to keep silence when he has not sought in time the means to avoid those evils of which he complains.

Consequently, we protest against the protests dissemblingly initiated by El Orden No. 14, accentuated in No. 15, and probably so out of all limits in to-day's number, or to-morrow's, or that of any of those days.

To begin by estimating, to follow with complaints, and to continue with charges, may end very soon, in great haste, with the armed protest, which is the last tone of the scale.

No. 319.

Mr. Christiancy to Mr. Blaine.

No. 266.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 23, 1881. (Received April 16.)

SIR: The new Peruvian Government, having on the 14th instant arranged with the Chilian authorities here to pay down 200,000*s* silver, of the million then due for February, according to the Chilian decree, and to pay the balance, 800,000 silver soles, within one month, I here inclose you copy and translation of the decree of this Peruvian Government, dated the 14th, but published only yesterday, for raising the amount in the shape of what is called a loan, and which, so far as the decree shows, would seem to be a voluntary loan; but as it seems to me quite probable that few will come forward voluntarily to take the loan, I presume the government must look to some means to enforce it as a forced loan; if not, I am inclined to think the money will not be raised in time.

The three-and-a-half pence mentioned in the decree is intended as the value of the paper sol, practically the only currency now circulating in Peru, the gold and silver coin having almost entirely left the country, as is usual, if not universal, where an inferior currency is in general circulation.

And Peru, from having formerly been thought the richest country in precious metals in the world, is now probably the poorest for practical purposes, though she still has inexhaustible mines, mostly unworked, in the interior.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 266.—Translation.]

MAGDALENA, *March* 14, 18·1.

In conformity to the agreement of the council of ministers, proceed to raise a national loan, destined to cover the war contribution imposed by the chief of the Chilian forces, on the following conditions:

1st. The loan will draw an interest of six per cent. per annum.

2d. It will be repaid in fiscal notes, at an exchange not less than three and a half pence per sol. The amounts paid in, for this loan, in pounds sterling, shall be reckoned at this same exchange.

3d. The reimbursement shall be made out of the outstanding and accruing taxes on property in Lima and Callao; 30 per cent. of the free income of the Calloa custom-house, and with the income of the stamp contribution.

4th. The administration and recovery of the taxes and stamp contribution shall be confided to a commission selected from among the lenders.

5th. The refunding shall be at par, and by lots, paying the capital and interest on same.

Communicate it; have it registered and published.

Signature of his excellency,

DENEGRI.

No. 320.

Mr. Christiancy to Mr. Blaine.

No. 273.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 31, 1881. (Received April 25.)

SIR: Referring to my dispatch No. 264, I have now to inform you that, from all present appearances, the new Peruvian Government, of which Mr. Garcia Calderon is the head, does not seem likely to be recognized by the people of Peru; and so far as any manifestations of the popular will have come to my knowledge, the mass of the people seems likely to continue its adherence to the Dictator Piérola. Circumstances yet to occur may change all this; but as yet, from the best information I can get, the very localities on whose concurrence the new government counted, still adhere to Piérola, and, even here in Lima, the municipal government, at a meeting held yesterday, unanimously decided not to recognize it. And when the alcalde (mayor) went to consult the Chilian secretary of war at the palace, he was informed that the Chilian Government did not yet recognize the new government (waiting, doubtless, to see that it should first be recognized by the people of Peru). And when the alcalde asked what the municipal government should do, in case the new pretended government should demand the building of the municipality and seek to turn them out, the secretary of war replied, in substance, that he did not know; but that if any disturbance of the peace should take place in a quarrel between the new government and the municipal authorities, he should send them all alike to prison.

I have, &c.,

I. P. CHRISTIANCY.

No. 321.

Mr. Christiancy to Mr. Blaine.

No. 276.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 4, 1881. (Received April 26.)

SIR: Referring to my dispatch No. 256 (second paragraph), in which I stated, in substance, upon report, among other things, that the Chilians had taken from the exposition grounds, belonging to the Benevolent Society of Lima, the collection of animals there, I have now to make this correction, viz: That these animals had not *then* been taken (a few days since), but preparations had been made to take them, and the cages were already taken to the grounds, in which they were to be shipped, and there is no doubt they will be taken.

I have, &c.,

I. P. CHRISTIANCY.

No. 322.

Mr. Christiancy to Mr. Blaine.

No. 277.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 4, 1881. (Received April 26.)

SIR: Referring to my dispatches, Nos. 257, 264, and 273, in reference

to the question, What is the Government of Peru, I have now the honor further to inform you that since my dispatch No. 273, the alcalde (mayor of the old municipality under the Piérola government) refused to carry out the unanimous resolution of the municipal council, and allowed the council of 1879 to come in and take possession, in accordance with the decree of the provisional government of Garcia Calderon. I will further say that this is the only indication, since the above dispatches, of the acceptance of the provisional government by Peru.

Even the northern provinces, upon which it counted (and when I supposed the terror of the Chilian arms would have secured the adherence of the people), seem to be overwhelmingly opposed to the provisional government of Calderon, and to adhere to Piérola. This is also the case in the south. Arequipa, upon which the new government relied, so far as it has spoken at all, has pronounced in favor of Piérola, and so in Pisco, and almost everywhere; though in all these localities, many of the people, feeling the absolute necessity of an immediate peace, were disposed to support the new government, which, however, to me seems, thus far, to have lost rather than gained in popular favor.

The interests of Peru undoubtedly require the earliest possible peace, and in this view, I am inclined to think it would be best for Peru to acquiesce in the new government. But my own opinion of the expediency of the one or the other can have no weight upon the question of recognition; all I am to regulate my own conduct by upon that question is the consideration, *which is* the government of Peru; and however much I might think the majority have erred in their choice, yet, upon the question of recognition, I shall be compelled to follow that decision unless I receive other instructions from your department. At present all the indications are that nearly all the inhabitants east of the Andes still adhere to Piérola, and that the same is the fact with the majority between the mountains and the coast.

Each of these governments (so called) has called a congress—that of Pierola, to meet at Ayacucho on the 3d of June, and that of Garcia Calderon, to meet at Lima or its vicinity on the 15th of May. If both succeed in getting a congress together, it would seem that confusion will be still more confounded and that chaos must reign supreme.

Referring to my dispatch No. 257, I will further say that this provisional government assumed to pay, and I think did pay, $200,000 of the forced contribution of $1,000,000, imposed by the Chilian authorities upon fifty Peruvian citizens of Lima and Callao, and further assumed to pay the balance of $800,000 by the 14th April. And in the attempt to carry out this undertaking this provisional government has assessed the leading capitalists such sums as in their judgment they can pay, including in this assessment a few Americans and other neutral citizens (which the Chilians did not).

Some of our American citizens domiciled here will doubtless pay under protest, as I have advised all who have applied to me to do, if they pay at all. Others will not pay, but by my advice will insist, without admitting the validity of the provisional government, that even if the legitimacy of the government be admitted, it has no right to compel American citizens to pay, as it is a *forced contribution* or forced loan, which is forbidden by the second article of our treaty of September 6, 1870, with Peru.

If compelled by force to pay, I shall advise them to pay under protest. Of course, if a general tax should be ratably imposed upon the *real estate* of Lima, &c., including American citizens, by a government acknowledged as the Government of Peru, or being in fact such, taxes

of this kind would have to be paid in the same manner as if the owner were a native citizen of Peru. But the present imposition is not of this character, but is simply imposed upon the *person*.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—Since writing the above, one American citizen who protested against the right to impose 40,000 soles as a contribution to meet the Chilian requisition, and whose protest was in the form I had suggested, relying upon our treaty, has just informed me that he has seen Garcia Calderon, the so-called President, who admits that he cannot impose such a burden upon American citizens, and that he declares the intention now not to attempt to enforce it upon any neutrals.

I. P. C.

No. 323.

Mr. Christiancy to Mr. Blaine.

No. 278.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 5, 1881. (Received April 26.)

SIR: I have the honor to inform you that the Chilian press established in Lima has for some two or three weeks apparently forsehadowed a design on the part of the Chilian authorities, and, probably, of the Chilian Government, to bring about a confederation, to consist of Chili, Bolivia, and at least that part of Peru between the Andes and the Pacific (being that portion of Peru accessible to the army of Chili by reason of her complete control of the sea), leaving that portion of Peru east of the western range of the Andes to join, if she can be induced to do so, and, if not, to form a separate government by itself, cut off from the coast, as it would be.

This idea may be thrown out and apparently advocated, merely *in terrorem*, to compel the Peruvians to accept the government of Garcia Calderon, and thereby secure a peace upon such terms as Chili may choose to dictate, or it may be with deliberate intention of forcing the compliance of that part of Peru west of the mountains.

Now, while I am well satisfied that a confederation of the three republics, if it could be brought about upon cordial and friendly terms—in other words, in accordance with the sympathies and prejudices of the people of the three republics—would be the best arrangement for all of them, and that, in such an event, Ecuador and Colombia, and, possibly, all the other republics of South America might be brought into the plan, forming a union on the plan of the United States of America, yet now I look upon this scheme (if it is seriously entertained by Chili) as utterly visionary, so far, at least, as it relates to Peru (and probably so as to Bolivia). Had Chili, after her victory at Tacna, or at the conference at Arica, made such a proposition it might possibly have been entertained, though I think the old quarrel between the Pizarros and the Almagros—the "men of Peru and the men of Chili"—has been transmitted by descent and become hereditary. It is also possible that, even after the Chilian victories at San Juan and Miraflores, such a union might have been formed (which I think, however, would not have been lasting) had the Chilians pursued a conciliatory

policy towards Peru, instead of pursuing, as they did, the most vindictive policy and the most humiliating course towards Peru, exciting a deep feeling of hatred and revenge in the minds of Peruvians generally, which will for a century prevent any cordial union. And now any union to which the Peruvians might be compelled for the time to consent would be felt by them to be—as it really would be—nothing more nor less than actual conquest under the flimsy disguise of "union or confederation."

I have, &c.,

I. P. CHRISTIANCY.

No. 324.

Mr. Christiancy to Mr. Blaine.

No. 282.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 13, 1881. (Received May 5.)

SIR: I have the honor to inclose to you a copy of my letter of the 11th instant to B. H. Kauffmann, our consular agent at Pacasmayo, Peru, in reference to the right of Peruvian or Chilian authorities to levy forced or extraordinary contributions upon American citizens, and to say further that those questions are likely to arise almost daily during the Chilian occupation.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 282.]

Mr. Christiancy to Mr. Kauffmann.

LEGATION OF THE UNITED STATES,
Lima, Peru, April 11, 1881.

DEAR SIR: I have just received your letter of the 10th January last, with that of April 6, explaining the oversight in not sooner sending the former letter, informing me of the occupation of that province by the Chilian forces; that they have made requisitions upon the municipal authorities for sustenance, and that in the distribution of the quotas the authorities (Peruvian, as I understand it) have made no distinction between foreign neutral property and that of Peruvians, and asking my opinion whether neutrals are obliged to pay contributions thus imposed.

In reply, I have to say that if the contribution is imposed upon the *real estate* of American or other neutral citizens by the Peruvian authorities, such neutral citizens, so far as relates to *such real estate*, and any taxes or burdens imposed thereon, are to be treated exactly as if they were Peruvians, such real estate and its immediate products, such as crops, partaking of the Peruvian national character. But if the forced contribution in question be imposed upon the person instead of the property of an American citizen, then it is safe for you to take the ground, as against such forced or extraordinary contribution, that American citizens are exempt therefrom under the second article of the treaty of September 6, 1870, which, among other things, provides that American citizens "shall not be called upon for any forced loan or extraordinary contribution for any military expedition or for any public purpose whatever."

There might, it is true, be a possible doubt whether this exemption would apply in behalf of an American citizen *domiciled* in Peru (that is, residing and having his house in Peru, especially with a family, and without any present intention of removing therefrom).

But whatever doubt there may be upon this last point, it is the safest course for you and for me to insist that the exemption applies as well to American citizens *domiciled* in Peru as to those who are here for a mere temporary purpose. I advised one Ameri-

can citizen, domiciled in Lima, and upon whom just such a forced contribution was proposed to be levied by the present provisional government here, to take the ground that he was exempt under the treaty. He called upon Mr. Calderon, the head of the provisional government, and took this ground, whereupon Mr. Calderon frankly admitted that he was exempt.

But Chili, having no treaty with the United States, is not bound by the law of nations to treat American citizens, domiciled in Peru, differently from native Peruvians, and may treat them in the same manner, and in some cases (such as the bombardment of a town or a battle in the country) they would not be bound, and in fact, could not make any distinction, though the American citizen might be there for a mere temporary purpose.

But in what is called the "Lynch raid" in September and October last, the Chilian Government had given orders to protect neutral property as far as possible, applying this even to real estate, and, I presume, they have such orders still, and they have quite generally sought to spare it here, further than they were bound to by the law of nations, except at Chorillos, Barranco, and Miraflores.

Finally, I would advise that if any American citizen shall be driven or induced, either by the Peruvian or Chilian authorities, to pay any such contributions, he should pay it under protest made through you, so as to save whatever rights of reclamation he may have.

I will ask you to do me the favor to make a copy of this letter and send it to Mr. Alfred Lapoint, our vice-consul at Chiclayo, and ask him to send a copy to each of our consular agents in his district, viz: Henry C. Smith, at Tumbez; Charles Stalpe, at Lobos de Afuero, and James H. Hayball, at Chimbote.

I am, &c.,

I. P. CHRISTIANCY.

No. 325.

Mr. Christiancy to Mr. Blaine.

No. 283.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 13, 1881. (Received May 5.)

SIR: Referring to my dispatch, No. 277, upon the question, What constitutes the Government of Peru, I have the honor to inform you that nothing has since occurred which contributes to change the aspect of the question. Each government, from time to time, contrives to get statements of acts of adhesion signed by many citizens, and these often come from the same locality, the population being divided. But upon the whole the evidence, as yet, is quite clear that the overwhelming majority of the people of Peru are opposed to the provisional grovernment, and still adhere to Piérola, and at present, if the Chilian army should leave to-morrow, the only safety of the members of the provisional government would be to leave with them.

In my own private opinion, however, if the provisional government had come up without any appearance of support from the Chilian authorities, it would have had many elements of popularity, and would probably have succeeded in obtaining the acquiescence of the people. This new government realizes the importance of an early peace with Chili, the necessity of which must be recognized by every thoughtful man, while that of Piérola professes to intend to carry on the war; but it has no means for the purpose at present, and my own opinion is that any efforts to do so will end in still greater calamities to Peru.

I have, &c.,

I. P. CHRISTIANCY.

No. 326.

Mr. Christiancy to Mr. Blaine.

No. 285.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 17, 1881. (Received May 17.)

SIR: Up to the time of the capture of Lima, I endeavored to keep the Department informed of the progress of the war, and I intended after Lima was taken to give you an account of the maneuvers of the respective armies prior to the battle of San Juan (13th January), and that of Miraflores on the 15th January. But as Lieutenant Mullen, from the United States steamer Adams, accompanied the general staff of the Chilian army, and Lieutenant Houston, from the Lackawanna, was with the general staff of the Peruvian army from some weeks before these battles until they were closed, I wished, for the purpose of getting information in an authentic form, to obtain copies of their respective reports, which were promised me, and for which I waited. But I have never received either, and therefore have only to refer to their reports in the office of the Secretary of the Navy.

Since those battles there has been no actual fighting; some 6,000 of them having gone north along the coast and into the rich valleys near the coast to levy war contributions, where they find no hostile force to oppose them; some 5,000, more or less, returned to Chili, and from 5,000 to 7,000 have remained in and about Lima and Callao until 3 days ago, as I shall presently state.

Piérola, at last accounts, remained at Janja with a small force of about 200 men, but he still claims to be the Government of Peru, and issues his decrees as such, being as yet apparently sustained by the large majority of the people of Peru. (He has, a few days ago, issued a decree, declaring all persons traitors who aid or support the provisional government, and subjecting them to summary trial by court-martial, and his sub-chief, Solar, has issued a like decree at Arequipa.)

He sent General Montero some time since to the north to act in his interest, who is now supposed to be in the interior somewhere back of Trujillo, attempting to get up a military force in the interior. But we have no reliable intelligence whether he has succeeded in raising any such force. But Solar, at Arequipa (in the south), is reported to have under his command there somewhere from 5,000 to 7,000 men well armed, and the friends of Piérola expect the Bolivians to send to Solar's aid some 2,000 to 3,000 men. It is generally supposed that Piérola keeps up communication with Solar by couriers by way of Ayachuco, Cuzco, and Puno, and that he is endeavoring to stir up the people there and everywhere in the interior to maintain a kind of guerrilla warfare against the Chilian forces wherever the latter may attempt to penetrate into the interior.

The Chilian forces have full possession of the Oroya Railroad, which follows the valley of the Rimec and is finished to Chicla, 86 miles from Callao (where it reaches the height of 12,220 feet above the sea.)

In going up this road from Lima the valley grows narrower, and about 25 miles above Lima it becomes a mere narrow gorge, and so continues to Chicla, with here and there a small expansion of comparatively level ground, where some lateral gulch joins the main valley; but with the exception of these the mountains rise abruptly from the Rimec to heights and knobs varying from 2,000 to 5,000 feet, and so very steep (in some places perpendicular, and all entirely naked,) that they cannot be climbed in front by man, and in very few places even by the goat, except

at long distances where the side valleys come in, though they may almost all be climbed by a circuitous course from the rear. This is the character of the valley or gorge, at least from Chosica (29 miles above Lima) to Chicla, the present terminus of the railroad; and thence about 18 miles to the summit of the pass (over 15,000 feet above the sea) and for at least that distance on the other side the road is but a mule path, among even worse precipices, where horses, mules, and even men, have for much of the way to go single file; and, whereas, for much of the distance along the railroad, a few hundred men judiciously placed along the mountain tops, mostly out of the reach of fire, could without firing a shot, and by simply rolling rocks down the mountain, destroy an army below of ten times their own number.

Some weeks ago the Chilians established at Chosica a hospital for their sick (and perhaps some of the wounded) soldiers, which was left under the protection of a small force. Some ten days ago, these soldiers, whose camp was just at the foot of the mountain, were suddenly surprised by the rush down the mountains of large quantities of stones, set in motion by mountaineers most of whom were out of sight, and several Chilian soldiers were killed and more wounded.

This movement is believed to have been got up by two leading men known to be friendly to Piérola, and is supposed to have been with his consent.

About a week ago, a force of several hundred Chilians was sent up to chastise these mountaineers and to take vengeance upon them. In the execution of this object, they penetrated some side valleys, where there were three small villages embowered in fruit trees, the inhabitants escaping to the mountains; they destroyed the villages and as near as can be ascertained, killed some forty of the men, who could be reached from below, with their shot, and lost of their own force some 5 or 6 killed and 15 to 20 wounded.

On the evening of the 14th instant, in the most secret and quiet manner, four trains of cars loaded with Chilian soldiery of all arms of the service were dispatched from here to Chicla, with the design, as is generally understood, of marching from Chicla to Jauja, to surprise and capture Piérola, or drive him away. Reports were in circulation here, yesterday, that there had been fighting up the road or beyond Chicla, and that the Chilians had met with some loss. Those reports, however, are wholly unreliable. Still, last evening and this morning, as I am informed, some three trains more loaded with Chilian soldiers have been dispatched up the road, which must with those sent before make some 3,000 men in all.

It is also a common report here, which I am inclined to believe (though none but the Chilian officers know, and they are reticent), that another Chilian expedition left Pisco (a little over 100 miles south of Lima) for the interior, intended to cross the mountains and to strike somewhere near Ayachuco, or to the south of it, to cut off the flight of Piérola to the south. It is also rumored, but I think with less probability, that another Chilian force has been sent into the interior through some valley to the north, to intercept Piérola, should he attempt to go north.

But I look upon these movements (the last of which I think is not probable) as only auxiliary to the great expedition which all the Chilian press declares (and the Chilian officers here confirm) is now rapidly preparing for the capture of Arequipa, and the Mollendo, Arequipa and Puno railroad.

This expedition will, I think, be immediately set on foot, and, judg-

ing from the past, I am inclined to believe it will be successful; though many who know the country and the people there better than I do, think otherwise.

Upon the whole, present appearances seem to warrant, at least, the suspicion of a design on the part of Chili to attempt a full and final conquest of the whole of Peru, and its final annexation to Chili.

It is quite clear that this attempt could not succeed if the people in the interior had arms; but as they have not, they would seem to be situated with respect to the Chilian forces much as the Indian race was with respect to Pizarro and his forces, at the time of the first conquest, and may fall in the same manner; though such a result would not, in my opinion, result in a permanent peace, but a chronic state of war for centuries to come. But, as to the suspicion of such a design on the part of Chili, it may be proper to mention that some wealthy Peruvians who support the provisional government of Calderon, have been heard to express their wish that Chili might take and govern the whole of Peru; and there are not wanting strong suspicions among the Peruvians that this is the ultimate purpose for which the provisional government is working.

I express no opinion of my own upon this point; it is too difficult to get authentic information, as nothing like free newspaper discussion is permitted here. Any paper indulging in anything like free discussion being at once suppressed and its editors thrown into prison.

I have, &c.,

I. P. CHRISTIANCY.

No. 327.

Mr. Christiancy to Mr. Blaine.

No. 286.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 19, 1881. (Received May 17.)

SIR: Referring to my dispatch No. 285, I have the honor to inclose to you an editorial from the Actualidad, the Chilian Government paper in Lima, together with a translation.

This article foreshadows in very plain terms what has for some time been suspected as to the real designs of Chili towards Peru.

It is, however, possible that it is written more for the purpose of driving the Peruvian people into the support of the provisional government with which Chili believes she can settle peace on her own terms. We shall soon see.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 286.—Cuttings from Actualidad and translation.]

The comedy follows.

Peru continues presenting to the world the most sorrowful spectacle that any nation ever presented in the hour of sacrifices and trial, when passion ought to be suppressed by the realization of great national calamity and to be concealed like a filthy leper, to give place to the noble and elevated efforts of those who seek the salvation of the country, inspiring all for good, for the common safety, and happiness.

Far from this, acts of disorganized anarchy from day to day give new confirmation and emphasis in terms which even now cannot be doubted for a moment that their only hope is for the retirement of the Chilian forces from Lima and Callao that they may unchain, as a final curse, a spontaneous social cataclysm, in which there shall be seen

to arise from the lowest depths of society all the bad passions to float on the surface and to burst forth in a dizzy and devastating career like the "trompa marina," which makes whirls on the surface of the ocean.

Let us see what is passing. The government of Garcia Calderon orders the municipality of Lima to be prosecuted judicially for rebellion.

The ex-dictator, from his oriental mansion of Jauja, is issuing circulars to the diplomatic corps, accusing it (the provisional government) of usurping powers which belong exclusively to him as proprietor, as if the sovereignty of a nation was but merchandise which could be bought or seized from the country by violence, and which claims to receive a species of consecration from divine right.

The prefect, Solar, on the other hand, without circumlocution, and not to lose time in fabricating circulars, declare the government of Calderon traitors and condemns them to death.

On the other side, Señor Garcia Calderon addresses to Solar a paternal philippic to attract back to the fold this stray ewe.

Surely we have in this comedy the actors beating each other in fine style, with or without reason.

Señor Garcia Calderon (strikes) the municipality; Piérola, Garcia Calderon; the latter hits Solar, and Solar strikes at all the world.

Involuntarily there occurs to our memory that passage of Don Quixote—

"And as the saying runs, the cat went for the rat, the rat for the cord, the cord for the stick; the muleteer was beating Sancho, Sancho, the girl, and the girl returned the compliment; the landlord beat the girl, and they were going at it so freely that they really took no time for rest. The best work came in when the landlord's candle went out, and as they were left in the dark the beating went on all around indiscriminately, and without compassion, so much so that wherever they dropped their hands nothing was left entire."

Nothing less is passing among the men who still hold in their hands some fragments of the extinguished power of the nation.

It appears that with them the lamp of intelligence has been extinguished, and they give thrusts and counter-thrusts, like the blind, striking right and left, disconcerting the few feeble elements with which they might yet strengthen the action of the government, which seeks to combine all the scattered elements to give them unity under a single hand, and to place them at the service of the single work worthy of engaging the efforts of the whole country at this time, the organization of an administration which shall run no risk of being overwhelmed in the chaos of anarchy, which would endanger safety of the little which the war has left intact.

This continual conflict between the men who have remained in a situation to employ in the salvation of their country the few resources saved from shipwreck, if it shall continue longer, there will remain, no doubt, that Peru goes through a crisis in which the standard of judgment of those who still hold the last remain of military power is lost, and the inspirations of patriotism extinguished, goes on submitting, of its own accord, to a system of tutelage which is gradually imposed upon them by the very nature of coming events, and which acts foreshadow, merely, the rapidity with which the national dissolution of Peruvian personality is taking place.

All this comes amidst the perplexity produced by the stupefaction from great calamities; amidst the intoxication of political passions; amidst diplomatic circulars, judgments, philippics, excommunications, charges of treason, and fulminating decrees of death.

In the mean time, however, aside from the efforts of Mr. Garcia Calderon, there is not a great action, not a civic virtue which rises to the height of the situation in order to mitigate reciprocal hatred, and to place in a single hand, in the hand guided by common sense, the last floating plank of the great national shipwreck.

The curtain of the comedy is still raised, and Chili, impassible, quiet, serene, with folded arms, contemplates from her box the combat of decrees and circulars, where projectiles are crossing each other like a real bombardment.

At the most she says to herself, before locking up the insane and non compotes in the asylum, the sane must name guardians for the administration of their property.

No. 328.

Mr. Elmore to Mr. Blaine.

WASHINGTON, *May* 4, 1881.

SIR: Thanking your excellency for your kind and frank reception at our late unofficial interview, I have now the honor to inclose for your consideration a copy and a translation of my letter of credence

from the provisional government of Peru, constituting me the confidential agent of that government to the United States of America.

You will observe that claiming only to be the head of a provisional government, President Garcia Calderon has given me the character, not of an ordinary, but of a special diplomatic agent, investing me, however, with the most ample powers of a plenipotentiary to treat and agree on any and all subjects with your excellency's government.

I readily acknowledge that the United States Government, more than any other required the existence of certain conditions for the recognition of new governments, particularly in republican countries; but I am convinced that your excellency's government will be justified in recognizing the provisional government of Señor Garcia Calderon, in view of the extraordinary situation of Peru and of the exceptional circumstances under which that provisional government has been formed, its character, and its purposes.

As regards the unfortunate condition of Peru, your excellency is acquainted with the events of the last two years. Without here entering into long details, which I am ready to furnish you in conference or in writing, it is enough to state that, during the course of the war, the constitutionally elected president, General Prado, having left the country, a dictatorial government was formed in December, 1879, under the lead of Señor Piérola, who proclaimed himself dictator, after a bloody fight in the streets of Lima—a *coup d'état* graphically described by your minister in Peru in a dispatch to the State Department which appears published in the last volume of the Foreign Relations of the United States. That anti-republican government failed, as all such governments must always fail on this continent. The dispersion of its forces, the occupation of the capital and a part of the territory by the armies of Chili, and the complete disintegration of the civil authority represented by Señor Piérola, who with a few followers, has fled to the other side of the mountains, *and with whom the representatives of the Chilian Government have declared themselves unwilling to treat hereafter*, left Peru absolutely without any government which could either enforce order within, or treat with Chili as to terms of peace.

Under these circumstances, the people of Lima, representing largely the wealth, intelligence, and interests of the republic, supported by like demonstrations in other provinces of the country, called upon Señor Francisco Garcia Calderon, an eminent jurist and statesman and one of the most distinguished citizens of Peru, to organize a provisional government which recognizes as its only foundation the constitution of the country and as its only power the existing laws, and which has been established only to restore that constitution to its full vigor, and to summon the national Congress to meet on the 15th of the present month of May. No true patriot could have hesitated.

The government of Señor Garcia Calderon represents, on the one side, the aspiration of the Peruvian people to re-establish the reign of constitutional law and order; and, on the other, it represents the only means the republic possesses to bring about the conclusion of a treaty of peace with its present invaders.

Occupying this position of heavy responsibility, what Señor Garcia Calderon has instructed me to ask is, not the recognition of his present government as the permanent Government of Peru, but as the only organized authority which can enable the people to resume their constitutional rights and restore the government its regular action. Upon the absolute necessity of this course I need not dwell. It will be admitted that it is worthy of the position and power of the United States,

and in conformity with its traditional policy, to aid in this hour of need a younger and sister republic. Peru is now occupied by a hostile force, and the terms of peace, upon which only it will be withdrawn, cannot be either accepted or executed without a responsible and recognized government. The burden of this occupation and the sacrifices necessary to secure any treaty of peace with Chili must fall upon that portion of the republic in which the people have delegated in the most emphatic manner their authority to Señor Garcia Calderon. What he desires is, that foreign powers, especially the United States of America, should recognize the force and obligation of his position, and by that recognition encourage the people of Peru in the prompt restoration of constitutional authority.

The first and most important act, however, of Señor Garcia Calderon's government will be to conclude a treaty of peace with Chili, thus securing to Peru its sovereignty as an independent nation. Now, it is especially for this high and noble purpose that Peru appeals to the United States of America, and it is most particularly to this end that the Provisional Government of Peru has appointed the undersigned as its organ of communication with your excellency's government. I am desirous to lay before your excellency the earnest petition of Peru in this regard, and shall proceed to do so when your excellency advises me of my recognition as the representative of the Provisional Government of Peru.

The Peruvian people have always looked up to the United States for advice and counsel, and for its aid and support whenever needed, especially when its republican institutions or integrity have been threatened. My country deeply feels how much it owes to the great republic in the past, and more particularly for the efforts lately made by the United States to mediate in the present war. But the extraordinary events which are rapidly developing in South America are of such a dangerous and unexpected nature that, as soon as you give me the opportunity to do so, I desire, in accordance with my instructions, to lay before you the true tendency of those events, and to show you that the United States are interested in interposing their action in the settlement of this South American conflict, if they wish that republican institutions and the independence of the nations of this continent should be maintained.

The Provisional Government of Peru anxiously desires that the terms of peace with Chili be settled, with the advice and mediation of the United States, as the only means which will secure its continuance.

To this end I beg your excellency to please appoint a day and hour when I may have the honor to hand to your excellency the original letter of credence which accredits me as the confidential agent of Peru to the United States of America.

I have the honor, &c.,

J. F. ELMORE.

[Inclosure in note from Mr. Elmore.—Translation.]

Mr. Galvez to Mr Blaine.

DEPARTMENT OF FOREIGN AFFAIRS, *Magdalena, March* 28, 1881.

SIR: The earnest desire which animates his excellency the Provisional President of Peru, to cultivate and draw closer the friendly relations which exist between Peru and the United States of America has induced him to intrust Señor Federico Elmore with

the honorable mission of presenting to your excellency this letter, which accredits him as the confidential agent of Peru to the United States of America.

The intimate knowledge I have of the distinguished personal qualities of Señor Elmore, of his capacity, and of his zeal for the public service, satisfies me that your excellency will receive him with benevolence, and you will please give faith and credit to all communications he may address to your excellency within the limits of his instructions, and principally in regard to the earnest desire of the Peruvian Government to draw closer the friendly relations between our countries.

I avail myself, &c.,

M. M. GALVEZ.

His Excellency THE SECRETARY OF STATE OF THE
UNITED STATES OF AMERICA.

No. 329.

Mr. Christiancy to Mr. Blaine.

[Extract.]

(Personal and confidential.)

LEGATION OF THE UNITED STATES,
Lima, Peru, May 4, 1881. (Received May 26.)

SIR: Referring to my dispatch No. 286, dated April 19, 1881, I wish to say confidentially and for your own eye alone (for the present), that, in my opinion, the Chilian Government intend to establish a kind of provincial government of their own over Peru, or so much of it as they can control, which, in my opinion (unless England and France, or the United States should actively intervene to prevent it), will be all of Peru west of the first range of Andes, and possibly still more.

Should such a result take place, I am inclined to think it would be equivalent to establishing the ascendency of English, over American influence on this coast, so long as such a provincial government should be maintained.

Some of my reasons for this conclusion will appear in my confidential dispatch No. 162, to which I refer, and so far as American commerce on this coast may be concerned, the products of Chili are mostly similar to those of our grain-producing States, viz, the cereals.

The productions of Peru are very different, though some of them might compete to a considerable extent with those of our country.

For a general view of the staple productions of Peru, her exports and imports, the value of her trade, and the various questions connected with the increase of our trade here, I refer you to the dispatches of Mr. Gibbs, my predecessor in this legation, Nos. 244 and 284, merely remarking that when I came here, the present war had just been declared, and it has been impossible to obtain any reliable statistics of commerce, but that it is evident there has been a great decrease of production and of exports and imports. The Chilians having taken the nitrate districts in the south, the production of this article by Peru is, for the present, practically extinguished; and Chili having command of the sea, Peruvian production and exportation of guano have been reduced to a very small fraction of what they were before. But I am informed by persons who profess to have made personal examination, that there are nitrate deposits in the north of Peru, nearly, if not quite, as rich and extensive as those in the south.

As to manufactured cotton, of course no one would think of import-

ing it into the United States, as they can afford to pay more for it in England. As to wool and sugar, our tariff is such that its importation into the United States is practically prohibited. Our wool growers would not consent to a reduction of duty upon ordinary wools; yet there is one kind of wool—the alpaca—which would not compete at all with home production. But England now takes practically all of this which is produced in Peru and Bolivia; and it may be worthy of consideration whether the mere local interests of Louisiana ought to deprive the whole Union of the benefits which would result from admitting Peruvian sugars at a reduced duty. But, not to go further into particulars, it is evident from the nature of the products and exports of Peru, she must find commerce with England, under past and present circumstances, more advantageous than with the United States, as England takes more of her products in return and thereby helps her more in the way of exchange.

While railroads were being constructed here, there were considerable importations of locomotives, railroad cars, and railroad plant, and may be again, if they ever get a settled government here. There has, also, been a small trade in furniture, the smaller kinds of hardware and cutlery, and farming implements, machinery, &c.; though, except upon some of the larger plantations, the demand for farming implements is small, as most of the small agriculturists prefer the antiquated method of plowing their lands with a crooked stick (iron pointed), and with oxen hitched by the horns.

Owing mostly to the mountainous character of the country, wagons or wheel carriages are unknown, except in a few of the larger cities (and lumber wagons on the sugar and rice plantations), the transportation being carried on almost everywhere on the backs of mules and donkeys, much of it even in the cities.

Another thing which has given to England the control of the commerce of this entire coast, is the establishment of an excellent line of steamers, at first largely subsidized, but now receiving no direct subsidy, and yet doing a profitable business. If the establishment of an American competing line would tend very largely to increase our commerce here, and to open large markets for our trade, I should be ready to give up my habitual opposition to such subsidies until the line could compete with opposition without them. But the other causes which I have mentioned (and many others which might be mentioned), which, aside from and independent of her line of steamers, tend to give England the control of the commerce of this entire coast, would still continue to operate, and an American line could not be supported without large subsidies.

The great mass of all classes of Peruvians feel a very strong attachment to the United States and a bitter hatred to England. Still, in matters of trade, pecuniary interest will, in the main, control.

Upon the whole, my conclusion is, that the only effectual way for the United States to control the commerce of Peru, and to preserve a commanding or even a material influence along this coast, is either actively to intervene in compelling a settlement of peace upon reasonable terms or to control Peru by a protectorate or by annexation, for either of which I am satisfied at least three-fourths, if not four-fifths, of her population would gladly vote to-day.

Unless the United States take one of these courses in the present emergency the "Monroe doctrine," so called, will be considered a myth in all the South American States. Whether our government ought so far to depart from its traditions as to adopt any one of these courses is

not for me to decide, nor to discuss the means necessary to carry any of these ideas into effect, nor do I express any opinion as to the propriety of any such projects, except to say that I should individually be strongly opposed to the idea of annexation, unless it could be had on terms that Peru should, for at least ten years, be subject to a territorial government, on the general plan of our territorial governments, and then to be admitted as States, at the discretion of Congress. In that ten years Peru would, under such a system, become wholly North American in its ideas.

These projects have lately been often and strongly pressed upon me by Peruvians, and I find that some of the Catholic clergy, even, are in favor of annexation. My only answer has uniformly been that, in my opinion, our people were not yet disposed to adopt any such policy; but that I would bring the whole matter, at the proper time, to the attention of my government, and be guided by their instructions.

I ought here to say, by way of introduction to what follows, that with my own personal observation of over two years, and the best sources of information I have been able to obtain, I am unable to discover any sufficient elements here for establishing an independent or even any kind of regular or permanent government of Peru; certainly no form of popular government by the Peruvians themselves. To state all the grounds for this conclusion would require a volume. I can only refer to a few of the fundamental reasons for this state of things, and for this conclusion. The original immigration into this country from Spain did not consist of men who, like the original colonists in the United States, only sought to better their conditions by honest, persevering industry, but of adventurers, seeking only to make money rapidly, by robbing the original inhabitants and by sudden accumulations of wealth from mines of silver and gold.

They found here a people well advanced in the arts of agriculture, producing all that was necessary for the support and comfort of the inhabitants (then amounting to some 8,000,000 or 9,000,000, in what is now Peru). They found every foot of ground in a high state of cultivation, wherever it was possible to bring water for irrigation. They not only seized upon all these lands and improvements, but made all the inhabitants slaves, and assigned the former owners, by repartiamentos, as slaves to the few Spanish immigrants, to each of whom large tracts of country were granted, often amounting to ten, fifteen, or twenty townships, in our country. Many of the original inhabitants were also assigned as slaves to the leading men who settled in the towns and cities. The Spaniard would not labor and did not, but all the labor was done by the enslaved race, and afterwards, in some measure, by African slaves.

Nearly all the Spanish adventurers either took Indian wives or, which was more common, kept a harem of Indian girls, as many as he chose; but as a general rule they did not treat their children as slaves, but recognized them as their children. In this way it has happened that almost all the people of Peru are of this mixed race, and the mixture with the negro; so that I do not think there are now in the city of Lima two hundred families of pure white blood, and probably not in all Peru 200,000 of the white race unmixed. Slavery was only finally abolished here in 1856 (see Article IV of constitution of that year), and all the old ideas and habits of the people remain. Labor is looked upon as a disgrace and degradation, and as only fit for a servile race. Any man of standing in Lima, to-day, who purchases an article at a store, however small the package, would at once lose caste if he dared

to take it home in his hand. He must have a servant to carry it for him. The consequence of all this is, that all the sugar and rice estates, instead of employing free labor, have resorted to the Chinese, who are nominally imported into this country as hired servants, but, except in the cities under the eyes of responsible officers, these Chinese are treated with about the same severity as the slaves were in our Southern States, and in many respects worse, as they are generally locked in their quarters and kept under guard at night, and so many conditions are attached to their contracts of which they do not know the effect, upon which the employer assumes the right to decide, that in some and, I think, in most cases, after the Chinaman has served five or ten years he finds he has more time yet to serve than he had when he commenced, and few, if any, ever come out freemen.

There are many foreigners here, especially Italians, and some of other nationalities, who are not ashamed to live by their labor in some of the various trades. But aside from these and the Chinese the whole manual labor of Peru is performed mostly by the Indians and races mixed with them, who had been slaves, and by negroes and their mixed descendants, who had also been of the servile race, who constitute at least three-fourths of all the inhabitants of Peru. These, though now nominally free, are almost all treated in the interior (away from the cities) as practically slaves; their rights being almost wholly disregarded by the authorities, who, in many, if not in most, cases assume to fix the prices of labor of various kinds, which is also, to some extent, done even in the cities. The wages of these people, since I have been here, have not exceeded from 10 to 20 cents per day in our money.

It is also from these poor classes of people that all the Peruvian soldiery were drawn (except the "Lima Reserves," who were temporarily raised for the defense of Lima), and these forces were called *volunteers;* but the way they were made to volunteer was for officers to go through the country with an armed escort, and *compel* the poor fellows to fall in. If they refused, they were taken by force, tied together, and put on the cars, or compelled to march to Lima. I have myself seen scores of such volunteers, thus tied, marching through the streets of Lima. Not a single white man did I ever see in the ranks (though the officers were whites), except the "reserves" above mentioned. All these men of Indian descent are docile, amiable, and brave, and will fight as long as their officers will stand; but the officers (all white) fled by scores and hundreds from San Juan and Miraflores, leaving their men to do the same. The battle of the 13th opened at daylight, some 10 miles from Lima, and at 9 o'clock a. m. I saw in the streets of Lima enough Peruvian officers with shoulder-straps to make an entire regiment. It is but right to say here that the Chilian army, though called volunteers, was, much of it, raised in the same way, and from similar mixed races, more largely Indians mixed with whites and less with Africans. (I have seen but few white men in their ranks.) The Indians of Chili and the mixture of Indians and whites are more vigorous, enterprising, desperate, and cruel than the corresponding races in Peru, partaking more of the Araucanian type; but the Chilian officers were far superior to those of Peru, and less under the blind guidance of the church (though the private soldiers are about equally so), and the government of Chili is composed of more enlightened men wholly emancipated from the control of the church and ready to adopt all modern improvements in warfare.

But to return, after this long digression, to the question of labor and the laboring classes, I must say that, with my democratic and repub-

lican ideas, knowing that the great masses of people in all countries always have been and always will be compelled to get their living by the sweat of their brows, and fully believing that the government which best secures the greatest good of the greatest number is to be esteemed the *best*, I am compelled to estimate the prosperity of every country by the adequacy or inadequacy of the compensation which it enables the great mass of its citizens to obtain for its labor. That country which secures to them the highest compensation is the most prosperous, and that which secures them the least is the worst and least prosperous.

From what I have already said, it might appear sufficiently evident that the laboring classes in Peru are sunk beyond the hope of redemption. * * *

Every man naturally looks only to what he deems his own immediate interest or elevation to power; and, when placed in power, he seeks only to enrich himself by the opportunities which his office gives him to appropriate the public funds to his own use. This has become so settled a conviction in the public mind that whenever any man obtains office it is at once assumed by the people that such is his object. This opinion is, doubtless, sometimes unjust, but on looking back through the various governments and forms of governments, I am satisfied this conviction is generally well founded. If, for instance (except in a time of war when no administration would dare to entertain any claim), any man had a claim against the government, well or ill founded, he could get it allowed by giving a fair share of it to the President and cabinet officers, and however good the claim might be, it was seldom allowed without this reward.

The joint commission got up here by * * * in favor of American claims, was no exception to the general rule; and, I am informed, several claims were allowed against Peru, which never should have been allowed at all, or only for a much smaller sum; * * * allowing some special friend, such as ———, to make the arrangements between the claimants and the officers of the government, and these claimants paying sometimes 70 per cent. and upwards of their claims, which percentage, to all appearance, must have been shared among all the parties acting in the scheme.

This however, is only a sample of the mode in which the public business has generally been transacted by the various Peruvian Governments here for many years past. A few honest men have, from time to time, been in office, who could not thus be bought, but were compelled to retire from office.

There seems to be no fixed principle of honesty, no idea even of that self-sacrificing patriotism which is essential to a proper and honest administration of government.

Such are the people of Peru. The picture has been but feebly drawn.

I have only been able to touch the prominent points, the "vestigia." To fill it up would require a large volume, which I have not time to write nor you to read. * * * Chili has been able to secure a more permanent government, and better to enforce financial honesty in her administration, and to preserve her public credit. But the grievances of and impositions upon her laboring classes—the great mass of her people—are essentially the same as in Peru; and the grade of civilization among the masses even below that of Peru, the church having equal control over them, and committing the same kinds of abuses.

In short, I would not advise the United States or her people or any other enlightened people to take *any stock* in any of the South American republics, unless they can take the *controlling* stock. This they

could easily have in Peru, if they choose to take it. The disposition of the masses of the people is favorable to the United States. A United States protectorate or annexation would be hailed with delight. In the hands or under the control of the United States, Peru would soon again become one of the richest countries of the world. I will not trouble you with her geography, which, if you do not already know, you can readily learn. There is enough of the country to make five or six large States, to say nothing of other parts of Peru, which are well known. The eastern slope of the Andes, along the upper branches of the Amazon, is one of the richest agricultural countries in the world; stocked with the most valuable timber and producing everything which a tropical climate can produce, but at present almost entirely in possession of the wild Indians; and I give only the opinion of geologists and that of all intelligent travelers when I say that there are still more valuable mines of silver and gold in Peru than in any other country of like extent in the world. And if it belonged to the United States it would not be two years before it would eclipse California, Nevada, Colorado, and all the mining regions along the Rocky Mountains in the production of the precious metals.

Fifty thousand enterprising citizens of the United States would control the whole population and make Peru wholly (North) American.

Peru under the control of our country, we should control all the other republics of South America, and the "Monroe doctrine" would become a verity. Large markets would be opened to our productions and manufactures and a wide field opened for the enterprise of our people.

Whether all these advantages are sufficient to outweigh the wise, traditional policy of our government it is not for me to express an opinion. I only bring the matter to the attention of my government, leaving that government to decide.

If Peru lay contiguous to the United States, our citizens would soon relieve our government from all responsibility by taking possession of the country, and in due time asking its admission as a part of the United States.

But, as a single individual, I must declare my utter repugnance to the idea of its incorporation as a part of our Union, until American ideas first get control of its population. I want no more such discordant elements, until we have digested and assimilated what we have already.

* * * * * * *

This letter must be treated as perfectly confidential, for your own eye and that of the President alone. I do not even copy it in the records of the legation, and ask that it may not be placed on file in the Department. My own life, even, would not be safe here for one day if it were made public.

I have, &c.,

I. P. CHRISTIANCY.

Hon. JAMES G. BLAINE,
Secretary of State, Washington, D. C.

No. 330.

Mr. Christiancy to Mr. Blaine.

No. 292.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 5, 1881. (Received June 2.)

SIR: Referring to my dispatches Nos. 230, 237, and 242, in reference

to the question whether the Chilians or Peruvians were most responsible for the breach of the armistice on the 15th of January last, I have now to say that the question has at last been practically solved. The committee of the diplomatic corps, consisting of Mr. Pinto, of Salvador (its dean), and the ministers of England and France, who, with the dean, constituted the committee of the corps, who, on the morning of the 15th January, arranged the armistice with General Baquedano, and the Chilian staff, seeing the report of General Baquedano, as made to his own government, have felt it their duty to make an official statement of the real terms of the armistice, which is quite different from the statement of the report of General Baquedano. The general, in his report, stated substantially that he reserved the right of making any movement in the mean time, with the single condition that he was not to open fire upon the Peruvians until 12 o'clock of the night of the 15th. This, if true, would have allowed him to move his lines up to the front of and into the very lines of the Peruvian force; to attack them by his cavalry, so long as they used only the sabre, and did not fire, &c.; all which would, of course, render the armistice a farce.

But it will be seen by the joint statement of the three ministers, who arranged the terms (which I here inclose, with a translation), that the right reserved by the Chilian authorities—to make any new movement in the mean time or to complete any movement already commenced—was under the express reservation that such movement should not go beyond the grand (or advanced) guard of their army, which, of course, must mean as that guard was then placed (at about 7 o'clock in the morning). Any other meaning would make nonsense, when the actual circumstances are considered.

Now, it clearly appears, from the report of the chief of the Chilian artillery, when compared with other well-known facts, that their artillery on their left (the Peruvian right) was moved far in advance of the position held by the "grand guard" in the morning, and that this movement took place as early as 11 a. m., and that this commandant of artillery, finding himself so far in advance of the rest of the Chilian army, sent a request to have the infantry advanced to cover his flanks, which was promptly accorded, thus bringing the Chilian line much nearer to the Peruvian line than was contemplated by the armistice; that even General Baquedano, with his staff, reconnoitering when the battle opened, was far in advance of the line held by his "grand guard" in the morning; in short, that this forward movement was such as naturally and reasonably to induce the belief in the Peruvian forces, that the Chilians were deliberately setting the terms of the armistice at defiance, and intended to attack them in defiance of the armistice. In this view the responsibility for the breach of the armistice must rest upon the Chilian commanders, though the first gun was fired by the Peruvians.

I make no further comments upon this transaction than to say, that in a war between these South American governments, experience has demonstrated that the same scrupulous good faith in the observance of any armistice, or any other arrangement between belligerents, is hardly to be expected as would be expected with the more enlightened nations of Europe and in the United States.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 292.—Translation.]

We, the undersigned, ministers of Salvador, France, and England, being authorized to offer the good offices of the diplomatic corps, to the two belligerents, after the battle of Chorillos,

Considering, that the report of General Baquedano does not state exactly the facts as they took place on the morning of the 15th January, during our interview with the chiefs of the Chilian army.

Considering besides that the publication of that report tends to give an erroneous impression of the character of our action, and the arrangement agreed upon,

We declare:

1st. That we presented ourselves at the conference at the request of Mr. Piéroła, in order to learn the conditions of peace.

2d. That after these having been brought to our knowledge unofficially, and other conditions, preliminary to all negotiation having been placed before us officially, we asked a suspension of hostilities in order to give the supreme chief time to deliberate.

3d. That we agreed that that suspension of hostilities should last until midnight of the same day.

4th. That the Chilians insisting upon completing a movement already commenced, we agreed to this. But under the express reservation accepted by them, that the movement should not go beyond the grand guard (advance guards) of their army. (Meaning as then placed.)

In faith of which, and in order that the truth may appear, we have signed the present procès verbal.

Lima, April 27, 1881.

I. DE P. PINTO,
Minister Plenipotentiary of Salvador.
E. DE VERGES,
Minister of the French Republic.
SPENCER ST. JOHN,
Her Majesty's Minister Resident.

No. 331.

Mr. Christiancy to Mr. Blaine.

No. 295.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 8, 1881. (Received June 2.)

SIR: I have the honor to inclose to you the copy of a letter from B. H. Kauffmann, our consular agent at Pacasmayo, dated May 5, 1881, in reference to the attempt of the Peruvian authorities to levy war contributions upon American citizens, and their conclusion to desist from that attempt.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 295.]

Mr. Kauffmann to Mr. Christiancy.

UNITED STATES CONSULAR AGENCY,
Pacasmayo, Peru, May 5, 1881.

SIR: I have the honor to acknowledge receipt of your notes Nos. 146 and 147, in the former of which you advise me of the appointment of Mr. A. Lapoint to be United States vice-consul at Chiclayo, and in the latter you kindly reply to my letter making inquiry as to the status of neutrals in reference to payment of contributions for the sustenance of the detachment of the Chilian army of occupation now stationed in this province.

I now have the satisfaction of stating that in view of your letter, and the quotation (respecting) of treaty stipulations respecting the levying of extraordinary contributions, the Peruvian authorities (who pretended to levy the said contribution) have desisted from their pretensions to that end.

I am, &c.

B. H. KAUFFMANN.

No. 332.

Mr. Christiancy to Mr. Blaine.

No. 296.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 9, 1881. (Received June 2.)

SIR: I have intimated, in several of my late dispatches, that the action of the Chilian Government, as shown by their officers here, fore shadowed the intention of that government to hold the whole of Peru- or so much of it as they should find practicable, at least all west sum-, mits of the western range of the Andes, as a permanent conquest.

Enough has now transpired to show that my suspicions were correct.

The mask has now been completely thrown off. The Chilian papers, both in Chili and Peru, openly declare this as the intention of the Chilian Government; and the military officers here openly declare the same thing. Colonel Lagos, the commander of the Chilian forces here, had made an arrangement with the provisional government of Francisco Garcia Calderon, to allow his government the control of the custom-house in the northern ports of Peru, to enable him to support his government and the right to send some 500 or 600 soldiers to the northern towns to enforce his authority to this end.

But some four or five days since the assistant secretary of war of Chili arrived here and the above arrangement was at once disapproved and revoked, and Senior Calderon's soldiers were not allowed to embark; and no effort is now made to conceal the intention to occupy Peru indefinitely; but this intention is publically declared.

As explained by the best informed Chilian officers, the plan is to establish a civil government here under the protection of her army, a kind of provincial government, similar to that of the old viceroys, while the country belonged to Spain. Some of the Chilian officers give out that the arrangement is to last for some five years, more or less, until Peru shall have been able to establish a government of its own; but how it is to do this while the country is under the Government of Chili, which is not likely to tolerate any attempt of this kind, is not explained.

In plain English, it is now clear that Chili means to hold the whole of Peru by right of conquest if she can.

Is there anything to prevent this result? Certainly (as to that part of Peru west of the summits of the western range of Andes) nothing short of the intervention of some European power or powers, or that of the United States.

The ministers of England and France had been authorized by their respective governments to offer their good offices by way of mediation, and though this offer had not been directly repulsed by Chili, but (as near as I can learn) accepted under qualifications, those ministers now (under the present resolution of the Chilian Government) find no opening for the success of their efforts. Our minister in Chili has doubtless offered the mediation of our government, but the result must necessarily be the same. Mediation, simply *as such*, must now be utterly fruitless. Intervention against the will of Chili seems the only means of preventing the absorption of the greater part, or the whole of Peru by Chili.

Will any European government thus intervene? It seems to be well settled that the German Empire will not, nor will it even interfere by

way of offering mediation. It is not at all likely that Italy would do so *alone*, though she has a powerful fleet. Russia and Austria have little interest in the question, and there remain only England and France, both of which seem to act in perfect accord, through their representatives here.

That England will not intervene as against Chili is sufficiently evident, not only from what is stated in my private and personal dispatch of last week, but from information I have this day received from the British minister, who informs me there is not the slightest probability that England will so intervene.

Will the United States do so?

This is a question which is not for me to answer. I have kept your department fully advised of the facts upon which the solution of the question depends, and here my duty ends, until I shall receive instructions, which I am ready on all occasions to follow.

I ought to say further here that the provisional government had been endeavoring to get the old congress of 1879 to meet here or at Chorillos on the 15th instant, but they still lacked 34 of a quorum. I think now the idea of holding a congress will be abandoned, and that the Chilian authorities will not permit its meeting, if a quorum should be obtained. In fact it would seem now that the provincial government must go down. But we shall soon see.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—Perhaps I ought to add here (what sufficiently appears in my former dispatches), that the principal grounds upon which the Chilian authorities claim to base the right to adopt this policy of indefinite occupation, viz, that it has become necessary, because the Peruvians have neglected to form a government with which they could treat, and the anarchy which results from this state of things has been deliberately produced by their own action, and, to all appearance, for the very purpose of furnishing a pretext for the policy which they have finally adopted. They could have readily treated with Piérola, who was anxious to treat, and who had been and still is recognized by all the governments represented here, and by the Chilians themselves at Arica. But they refused to treat with him, and encouraged the setting up the provisional government of Calderon, and from time to time encouraged that government in its efforts, to some extent, but soon began to treat it with contempt, and to cut off from it one privilege after another, still allowing it to appeal to the people of Peru for their adhesion, and to call congress together, thus dividing the people of Peru between Piérola and Calderon in a manner which threatened civil war.

The ruse has been successful in producing the result desired, but quite unsuccessful, so far as relates to the concealment of the true motives of their action.

P. S.—MAY 11.—I learn from a letter this day received from Mr. Osborn, that the Chilian Government actually rejected the offer of mediation by England and France.—I. P. C.

No. 333.

Mr. Blaine to Mr. Christiancy.

DEPARTMENT OF STATE,
Washington, May 9, 1881.

No. 143.]

SIR: In your last dispatch, No. —, you informed this Department that the Chilian Government refused absolutely to recognize General Piérola as representing the civil authority in Peru, and that Señor Calderon was at the head of a provisional government.

If the Calderon government is supported by the character and intelligence of Peru and is really endeavoring to restore constitutional government with a view both to order within and negotiation with Chili for peace, you may recognize it as the existing provisional government, and render what aid you can by advice and good offices to that end.

Mr. Elmore has been received by me as the confidential agent of such provisional government.

I am, &c.,

JAMES G. BLAINE.

No. 334.

Mr. Blaine to Mr. Christiancy.

DEPARTMENT OF STATE,
Washington, May 12, 1881.

No. 144.]

SIR: I have to acknowledge the receipt of your No. 282, and to approve the tenor of your letter (a copy of which you inclose) to Mr. Kauffmann, consular agent, &c., on the question of the right of Peruvian or Chilian authorities to levy forced or extraordinary contributions upon American citizens in Peru.

I am, &c.,

JAMES G. BLAINE.

No. 335.

Mr. Christiancy to Mr. Blaine.

No. 301.]

LEGATION OF THE UNITED STATES,
Lima, Peru, May 17, 1881. (Received June 17.)

SIR: I have the honor to inform you that on the 14th instant the following appeared in El Oden of Lima, the paper which is the organ of the provisional government of Calderon, viz:

[Cablegrama oficial, Paris, 12 de Mayo, Valparaiso, 13, a la 1.50 p. m.]

Presidente CALDERON, *Lima:*

Elmore telegrafia de Washington, que le comunique que el gobierno Calderon ha sido reconocido por el Gobierno Americano.

[English: official cablegram, Paris, May 12, Valparaiso, 13th, at 1.50 p. m.]

President CALDERON, *Lima:*

Elmore telegraphs from Washington saying that the Calderon government has been recognized by the American Government.

If I could confidently rely upon the authenticity of this, I should, of course, at once recognize the provisional government, though no other minister here has yet done so. The dispatch looks authentic on its face, when taken in connection with the facts that Elmore is understood here to be the agent of Calderon's government at Washington, that Goyeneche is a relation of Calderon, that he is the wealthiest citizen of Peru, that he resides in Paris, and that Calderon has had the charge of his property and business here.

For these reasons all the ministers of foreign nations here have taken it for granted that the cablegram is authentic, and that the United States has recognized the provisional government. They have inquired of me, and I have been compelled to say to them that they knew as much as I did in reference to the matter, as all the evidence I had, was the publication of the dispatch in the paper; that it *might be* true, but that it seemed to me that in a matter of such importance it would naturally be supposed my government would have telegraphed me, instead of leaving me to guess at the authenticity of the dispatch sent as this was, through a party in no way authorized to speak for my government, and that for these reasons I doubted the truth of the dispatch, and that I must therefore wait for direct official information from my government before taking any step officially for recognition until I should see satisfactory evidence that Peru had acquiesced in the provisional government; the evidence of which I have not yet seen, though for the last week that government *seems* to have made some progress in this direction; since, so far as we can learn, Piérola has been driven from Jauja, and his present whereabouts is unknown.

I have, &c.,

I. P. CHRISTIANCY.

No. 336.

Mr. Christiancy to Mr. Blaine.

No. 302.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 17, 1881. (Received June 17.)

SIR: Referring to my dispatch No. 296, I have the honor to inform you that though the tone of the Chilian press here and in Chili remains the same upon the subject of "*occupacion indefinida*" (indefinite occupation), the Chilian authorities here have, within the last few days, allowed señor Calderon's government to send to the northern coast some 300 soldiers, to enable him to enforce his authority there, but whether this is in aid of his right to collect duties there, or to enable him to drive the prefects of Piérola from the provinces, is not publicly known here; though I think the latter is the purpose; but, in either view, it gives some ground for a suspicion that the ground taken by the Chilian papers and officers in favor of "indefinite occupation" may have been taken only *in terrorem*, to drive the people into the support of the Calderon government, as I suggested in my dispatch No. 286.

There is still another ground for this suspicion. It is well known that the present Government of Chili is composed of the liberal party, which, if left to its own free choice, would have always been willing to make peace upon reasonable terms; but this liberal party holds power by a very small majority, and all the other parties and fragments of

parties combine for the purpose of putting it down, each in hopes that his own party may gain something by the change.

The most prominent of these opposition parties are the extreme war party and the church party. In deference to these and the opposition generally, all of whom have found it for their interest to act with the extreme war party, the present Secretary of War, Vergara, was put into the cabinet.

He is an able and practical man, with too much intelligence not to see the excesses of the populace, who compose the mass of the extreme war party.

An election is soon to come off for president of the republic. Santa Maria is the candidate of the liberals, and General Baquedano is likely to be the representative of the war party. The fear that the war party may succeed, and the knowledge that a successful general is always popular with the masses, may have driven even the liberal party to take ground in favor of "indefinite occupation," and during the political campaign to show themselves as extreme in this direction as their opponents, without any real intention of carrying out the extremes of that policy if elected.

Besides all these things the relations of Chili with the Argentine Republic are by no means cordial, and Chili may have some apprehensions that, with her long backbone exposed, the Argentines may almost any day penetrate between her spinal processes, and strike a fatal blow at her vital parts. My own opinion is, that any attempt of Chili to hold Peru as a conquered country will, at no very distant day, lead to this or a similar catastrophe, and I have some suspicion that the Chilian Government see this in the same light as I do. But it is not possible at present to ascertain precisely the ideas of the Chilian Government, if they have any very definite policy, which I doubt.

The 15th instant was the day fixed by Calderon for the meeting of congress, but about 25 were still wanting to make a quorum.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—MAY 23.—Since writing the above it has become still more probable that the threat of "indefinite occupation" was intended only to drive the Peruvians into the support of the provisional government, as two days ago they allowed this government to send 75 soldiers to Tarma, Oroya, &c., to control that part of the country, so as to allow the members of congress to come to Lima, and it now begins to look as if Calderon might secure a quorum (two-thirds) of the congress. If he does succeed, it will be some evidence that Peru acquiesces in that government. And if he gets the two-thirds of the members, I think I shall at once recognize the provisional government, or that of congress and the president they may elect, unless, in the mean time, I shall receive other instructions.

Your friend, &c.,

I. P. C.

No. 337.

Mr. Christiancy to Mr. Blaine.

No. 305.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 23, 1881. (Received June 17.)

SIR: Referring to my dispatch No. 285, in which I stated it as prob-

able that the Chilians had sent an expedition from Pisco at the south and from some point at the north to co-operate with the force sent via Chicla into the department of Junin, so as to cut off the retreat of Piérola from Jauja, I have now the honor to state that from all sources of recent information no such *additional* expeditions were sent; that the expedition sent via Chicla went to Cerro de Pasco, to Tarma, and to Oroya; that it is not entirely certain that they have even yet taken Jauja, though I think this probable, and it is now intimated in the papers that this force sent via Chicla to Cerro de Pasco is ordered to return.

I have direct information from the secretary general of Piérola that the latter left Jauja for the south on the 28th April, and I infer that he is at this time at or near Arequipa, but he expected, when he left Jauja, to return to Ayacucho by the 6th June, at which time the congress called by him were to meet there.

Referring to my same dispatch, 285, I have further to say that the contemplated Chilian expedition to Arequipa has not yet taken place, so far as we can learn here. The papers lately have been silent on the subject.

Still, unless peace should soon take place, I look upon the expedition as a necessity, and am inclined to believe it would be successful.

I have, &c.,

I. P. CHRISTIANCY.

No. 338.

Mr. Christiancy to Mr. Blaine.

No. 310.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 27, 1881. (Received June 27.)

SIR: I have the honor to inform you that on the 1st instant I, with every other member of the diplomatic corps here, received a circular letter, dated April 30, from M. M. Galvez, claiming to be the secretary of foreign relations of Peru, under the provisional government of Doctor Don Francisco Garcia Calderon, stating the installation of that government and the names of the cabinet officers; this being evidently written to invite a recognition by the diplomatic corps. A meeting of that corps was called a day or two after to consider the propriety of answering. The whole corps agreed that there was yet no sufficient evidence that this provisional government had become the Government *de facto* of Peru, and all concurred in the resolution not as yet to make any reply. Another meeting of the corps was held yesterday, upon the same subject, and while all (with the possible exception of one) agreed that there was yet no sufficient ground for recognition, yet several, of whom I was one, thought it would be proper to acknowledge the receipt of the letter, but in a manner which could not be construed as a recognition. Some two or three seemed to object to answering, because they thought they could not do so without implying a recognition.

I saw no difficulty in this, and feeling that it was right to treat with entire frankness and candor the men claiming to constitute the government, I have therefore written to Mr. Galvez the letter of the 26th instant, a copy of which I inclose.

In connection with this I refer to my dispatch No. 264, stating the explanation I then gave Mr. Galvez.

On the 25th of March I also wrote a note to Piérola, or rather his Secretary-General, explaining to him the ground upon which I should proceed with reference to recognition, to exactly the same effect, and almost in the same words as in the conversation with Galvez. (I also sent him copy of so much of Department dispatch No. 123, as relates to the desire of our government to bring about an early peace.)

The above note was sent by the private courier of a friend of mine, as the mails in that direction cannot be trusted at all, but its receipt has been acknowledged.

As to the progress which the Calderon government have been making I, refer you to my dispatches Nos. 277, 283, 285, 302, and 305.

Since my dispatch 302, the provisional government have been allowed to send some 225 more men, making about 300 in all, into the province of Junin, for the purpose, as I suppose, of allowing the congressmen from that region to come to Lima. But this force is too small to prevent Piérola's congress from meeting at Ayacucho on the 6th June, as it is reported and believed here that Piérola will bring them from the south at least 1,000 men.

Such is the position at present. There is no difference of opinion in the diplomatic corps as to the principles of recognition. But all seem now to have become satisfied that unless the provisional government shall succeed there will be little hope of an early peace.

I have, &c.,

I. P. CHRISTIANCY.

P. S.—JUNE 1.—I send inclosed copy and translation of telegram this day received by the dean of the diplomatic corps from Piérola's secretary-general, dated May 26. This movement may lead to delay in the recognition of the provisional government until it can be ascertained what success Piérola may have in obtaining a national representation.—I. P. C.

[Inclosure I in No. 310.]

Mr. Christiancy to Mr. Galvez.

LEGATION OF THE UNITED STATES,
Lima, Peru, May 26, 1881.

Señor Don M. M. GALVEZ.

I received your letter of April 30, informing me of the installation of the provisional government, of which Señor Doctor Don Francisco Garcia Calderon was said to be the head, and naming the other executive officers.

I have refrained from answering your letter hitherto, not by reason of any disrespect for or hostility to Mr. Calderon or to you, or to any of the persons mentioned as his cabinet. But (as I had the honor verbally to explain to you some time ago) because my government had acknowledged and instructed me to acknowledge the government of Piérola; and upon the principles upon which my government have heretofore acted in like cases I could not *without its instructions*, recognize another Government of Peru, hostile to that already recognized, until it shall clearly and satisfactorily appear to me that the majority of the people of Peru have adopted, or acquiesced in the new government. The moment this shall satisfactorily appear, I shall, on the part of my government, most cordially recognize the new government without waiting any instructions. I have carefully endeavored to obtain all the evidence in my power upon this point; and, though this new movement to establish a government in opposition to that of Piérola seems for the last few weeks to have made considerable progress in obtaining the approval of the people of Peru, I cannot yet say that the evidence is sufficiently clear, that it has, up to this time, been adopted by the majority.

Should it obtain a quorum of the congress which it has called together, this would be strong proof in its favor, and sufficient for me, unless it should appear at that time probable that the congress called by Piérola would be more likely to represent the majority, in which case I should have to wait a few days to ascertain the facts.

I have kept my government fully informed of the principles upon which I intended to act on this question of recognition, unless otherwise instructed, and though there has been ample time for receiving their instructions by mail, if not satisfied with the course I intend to pursue, I have yet received no instructions whatever upon this point; from which I am compelled to infer that there must be some mistake in the telegram from Paris published in El Orden of the 14th instant. Had I received such a telegram from my government, I should have promptly recognized the new government. But very clearly I cannot act upon this unofficial dispatch.

Please accept the assurance, &c.,

I. P. CHRISTIANCY.

[Inclosure 2 in No. 310.—Telegram.—Translation.]

(Received in Chala, May 26, at 8.40 p. m., from Arequipa, May 26, 1881.)

No. 190.

Señor JORGE DE TEZAMES PINTO,

Dean of the Diplomatic Corps, Lima:

His excellency the supreme chief, his secretary-general (subscribing), and suit, arrived yesterday at this city, his excellency having been the object of the warmest demonstrations of adhesion and enthusiasm in all the departments on his passage. We shall remain at Arequipa until the 15th June, and leave on that date for Ayacucho, in order to install on the first of July the national assembly, the meeting of which has been postponed to that date.

Be pleased to transmit this communication to the honorable colleagues of the diplomatic corps, of whom I subscribe myself their obedient servant,

AURELIO GARCÍA y GARCÍA.

No. 339.

Mr. Blaine to Mr. Hurlbut.

No. 2.] DEPARTMENT OF STATE,
Washington, June 15, 1881.

SIR: The deplorable condition of Peru, the disorganization of its government, and the absence of precise and trustworthy information as to the state of affairs now existing in that unhappy country, render it impossible to give you instructions as full and definite as I would desire.

Judging from the most recent dispatches from our ministers, you will probably find on the part of the Chilian authorities in possession of Peru a willingness to facilitate the establishment of the provisional government which has been attempted by Señor Calderon. If so you will do all you properly can to encourage the Peruvians to accept any reasonable conditions and limitations with which this concession may be accompanied. It is vitally important to Peru that she be allowed to resume the functions of a native and orderly government, both for the purposes of internal administration and the negotiation of peace. To obtain this end it would be far better to accept conditions which may be hard and unwelcome than by demanding too much to force the continuance of the military control of Chili. It is hoped that you will be able, in your necessary association with the Chilian authorities, to impress upon them that the more liberal and considerate their policy, the surer it will be to obtain a lasting and satisfactory settlement. The Peruvians cannot but be aware of the sympathy and interest of the

people and Government of the United States, and will, I feel confident, be prepared to give to your representations the consideration to which the friendly anxiety of this government entitles them.

The United States cannot refuse to recognize the rights which the Chilian Government has acquired by the successes of the war, and it may be that a cession of territory will be the necessary price to be paid for peace. It would seem to be injudicious for Peru to declare that under no circumstances could the loss of territory be accepted as the result of negotiation. The great objects of the provisional authorities of Peru would seem to be to secure the establishment of a constitutional government, and next to succeed in the opening of negotiations for peace without the declaration of preliminary conditions as an *ultimatum* on either side. It will be difficult, perhaps, to obtain this from Chili; but as the Chilian Government has distinctly repudiated the idea that this was a war of conquest, the Government of Peru may fairly claim the opportunity to make propositions of indemnity and guarantee before submitting to a cession of territory. As far as the influence of the United States will go in Chili, it will be exerted to induce the Chilian Government to consent that the question of the cession of territory should be the subject of negotiation and not the condition precedent upon which alone negotiation shall commence. If you can aid the Government of Peru in securing such a result, you will have rendered the service which seems most pressing. Whether it is in the power of the Peruvian Government to make any arrangements at home or abroad, singly or with the assistance of friendly powers, which will furnish the necessary indemnity or supply the required guarantee, you will be better able to advise me after you have reached your post.

As you are aware more than one proposition has been submitted to the consideration of this government looking to a friendly intervention by which Peru might be enabled to meet the conditions which would probably be imposed. Circumstances do not seem at present opportune for such action; but if, upon full knowledge of the condition of Peru, you can inform this government that Peru can devise and carry into practical effect a plan by which all the reasonable conditions of Chili can be met without sacrificing the integrity of Peruvian territory, the Government of the United States would be willing to offer its good offices towards the execution of such a project.

As a strictly confidential communication, I inclose you a copy of instructions sent this day to the United States minister at Santiago. You will thus be advised of the position which this government assumes toward all the parties to this deplorable conflict. It is the desire of the United States to act in a spirit of the sincerest friendship to the three republics, and to use its influence solely in the interest of an honorable and lasting peace.

I am, &c.,

JAMES G. BLAINE.

No. 340.

Mr. Christiancy to Mr. Blaine.

No. 319.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 16, 1881. (Received July 6.)

SIR: In reply to your dispatch No. 143 I have the honor to say that

that dispatch places upon me the grave responsibility of determining as matters of fact three distinct propositions, upon none of which have I been able to obtain any very satisfactory evidence:

1st. Whether the provisional government of Señor Calderon is supported by the character and influence of Peru;

2d. Whether it is really endeavoring to restore constitutional government; and

3d. If so, whether it is with a view to order within and negotiation with Chili for peace.

The first question under present circumstances is a very difficult one to decide just now. If mere money or financial "influence" be referred to, this is to be found along the coast, which is completely controlled by the Chilians, and consists of the wealthy owners of sugar plantations and the mercantile class, who seek for peace at any price and upon any terms. But if "by influence" or the weight of influence upon political or government matters (which I conclude must be your meaning), then there is great room for doubt, and I am much inclined to think it may turn out to be against the provisional government. It is a very embarrassing question to decide.

Upon the other two questions I have no ground, except the professions of the provisional government, upon which to decide them; but I am inclined to believe they should be decided in the affirmative.

The first is the difficult question. The provisional government has not yet succeeded in getting the attendance of a quorum of congress, though it has a full quorum of the senate, but lacks twelve members of a quorum of the house.

At my request of yesterday the dean of the diplomatic corps has called a meeting of the corps for 2 o'clock to day, to enable me to get their opinion upon these questions of fact, but this will be too late for the mail to-day.

I had a full conference two days since with Señor Calderon, and have a favorable opinion of him.

But I yesterday had a conference with Admiral Lynch, commander of the Chilian forces here, and with Señor Godoy, the representative of Chili in political matters here, and I found at once that they do not want the provisional government of Peru recognized yet, both saying to me that they had not recognized it on the part of Chili, and that they did not wish it recognized by other nations until they had recognized it. I also yesterday ascertained from a perfectly reliable source, that the Chilian representatives here have, within a few days past, approached at least one of the commissioners by Piérola to negotiate peace, to know if such commissioners were still authorized to act, holding out to them hopes that they would still negotiate with him. The position is full of complications, but upon the whole it would certainly seem to be the object of Chili at present to play off one of these Peruvian governments against the other; to give Chili a fair pretext to hold permanent occupation of Peru. It may be that in a few days I may obtain sufficient information to bring the case within the principle you have laid, and if so, I shall act at once. Since I, as well as you and all true Americans, prefer a constitutional government to a dictatorship.

I am, &c.,

I. P. CHRISTIANCY.

P. S.—This provisional government is not, even as such, a government *de facto* in any part of Peru, except in a little hamlet of Magdalena.—I. P. C.

No. 341.

Mr. Christiancy to Mr. Blaine.

Confidential.

No. 320.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 21, 1881. (Received July 18.)

SIR: Referring to my dispatch No. 319, I have the honor to inform you of the result of the diplomatic meeting therein referred to. I found it to be the opinion of the corps, 1st, that the provisional government (so called) is supported by the weight of character and political influence of Peru; 2d, that the purpose of that government is to restore constitutional government in Peru; 3d, that it seeks to restore internal order; 4th, that it wishes to make peace with Chili; but, 5th, that this provisional government (so called) cannot, under present circumstances, be considered a government *de facto*, so as to warrant its recognition on that ground.

I am inclined to concur with the corps in all the above points, though I still have some doubts upon the first, and am not without some suspicions as to the second, third, and fourth.

This might seem, at first view, to bring the case within the principles of your dispatch No. 143, and to authorize (though it does not instruct) me to recognize what is called the Calderon or provisional government. But your dispatch, when carefully considered, may, and perhaps must, be construed as having been written with the understanding that the Calderon government was a government *de facto* of at least a large part of Peru.

The fact is that it is not a government *de facto*, or in the exercise of the functions of government anywhere, except so far as the Chilian authorities choose to allow it to exercise any powers of the kind, and these are confined within very narrow limits. It has been allowed to exercise thus far full powers only in the little hamlet of Magdalena, and has been allowed to send a few hundred men to Huaray and a still smaller force to the department of Junin to drive out the prefects who had been appointed by Piérola and to get the members of congress from those places to come here. It has also prefects friendly to it in most of the western slope of the Andes, except in the south.

But the courts of justice have not been restored anywhere, not even in Lima, and the whole country, except what is held by Piérola, is subject to such martial law as the Chilian authorities see fit to impose. In short, the Calderon government has thus far been used only as the instrument of Chili to carry out her own purposes, and there are not wanting many intelligent Peruvians and neutrals here who believe that it is the purpose of the Calderon government to aid Chili in keeping Peru permanently under the control of Chili as a permanent conquest.

It is well known here that many men of wealth among the Peruvians prefer that the Chilians should govern the country, as they think it would establish a more permanent government than Peru is likely to, and that their property would be more safe, but even those would prefer a protectorate of or annexation to the United States.

Señor F. Garcia Calderon is a wealthy man, and the representative of the Goyeneches, the wealthiest family in Peru. I am inclined, nevertheless, to believe that he is acting in good faith to Peru, with the hope

of establishing peace, but I do not feel certain of it. If he is acting in good faith, I am satisfied the Chilians are deceiving him.

Now, on looking carefully at your dispatch No. 143, I see clearly that one of your objects in recognizing the Calderon government is to bring about peace with Chili, which implies your desire for the continued national existence of Peru, and does not admit the idea of its permanent conquest by Chili.

But I am now fully satisfied that Chili does not intend to make peace with Peru at all unless driven to do so by outside pressure. For the grounds of this opinion I refer you to my last dispatch, No. 319, and wish now to say further, that on Sunday last (19th instant) Mr. Godoy, the political representative of Chili here, called upon me at the legation, and we had a free and general conversation upon the whole situation. I remarked to him (as I had before) that I had received instructions from my government under which I might feel authorized to recognize the Calderon government, which I had supposed and believed my government had supposed would be looked upon by Chili as rather friendly than hostile to Chili, inasmuch as the Calderon government had been encouraged by Chili. He again repeated that Chili had not yet recognized it. I said substantially that if the Calderon government should succeed in obtaining a quorum of congress it would be strong evidence that it represented the nation. To this he seemed to assent.

I further remarked, that while my government preserved its strict neutrality, it was anxious for peace between the belligerents at the earliest practicable period; and I thought this might be brought about if a quorum of congress should be obtained, or at least as soon as the government should be able to get back fully to a constitutional government. To this he replied, "It will be a very long time before a peace can be settled."

He did not know that I knew he and the Chilian authorities had been coquetting with the friends and commissioners of Piérola. But I could readily see, from this as well as the conversation referred to in my dispatch No. 319, that they did not wish any encouragement or prestige to be given to the Calderon government, except what they might choose to give; and I could not but infer they were playing off the Calderon government against that of Piérola, for the purpose of furnishing a plausible pretext for holding the whole of Peru, or so much of it as they could.

From this statement it will be readily seen that a literal compliance with the permission given in your dispatch to recognize the Calderon government, would be likely to violate its spirit and intent; and, before departing from the safe and generally approved rule of recognizing a new government, that it should appear to be a government *de facto*. I think I ought to wait, at least until the arrival of another mail (there having been no connection last week at the Isthmus), as in the mean time you will have received other dispatches from me which may enable you to give instructions more applicable to the present state of facts. I have thought it best to wait, at least till the arrival of the next mail, before acting, and as my successor, who will come with the latest instructions, may wish to have a clear field, I may wait till he arrives before making a final decision.

In coming to these conclusions I have done what I think you would have done, in view of all the circumstances, had you been in my place and acting under the like instructions.

No other foreign minister here is willing yet to recognize this Calderon government, and I think I see an anxiety on the part of some of

them to see the United States depart from the generally received doctrine of recognizing new governments only when they have become governments *de facto*.

Whatever support the "Calderon government" may appear to have, it is the settled and unanimous opinion of all intelligent men here, that it would not last a day after the Chilian forces should leave the country. And my own opinion is, that if the United States should recognize it to-day, the Chilian authorities would take good care that any prestige it might gain from such recognition should be more than counterbalanced by the more stringent limitations it would impose upon any exercise of governmental powers.

I have, &c.,

I. P. CHRISTIANCY.

No. 342.

Mr. Christiancy to Mr. Blaine.

No. 322.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 28, 1881. (Received July 18.)

SIR: Referring to my dispatch No. 320, I have now the honor further to say that I have been carefully considering the question of the recognition of the provisional government therein referred to, and having received nothing by the last mail in any way modifying your dispatch No. 143, and knowing that I had kept you fully informed of all the facts necessary to a decision, and seeing that the question whether the Calderon government was a government *de facto* was not expressly made a condition, and that the fact of your having already received Mr. Elmore as the confidential agent of that government, which I take to be a clear indication that you would expect me to recognize that government if I found the facts you had stated as hypothetical to be true, but more especially hearing a rumor here as having come from the United States that my successor would not come here until peace was settled, and, therefore, fearing that my neglect to make the requisition might be construed as a design on my part to delay his coming, I finally concluded, on the 26th instant, to recognize the provisional government as such, and I here inclose copy of my letter to Mr. Galvez, Minister of Foreign Affairs, making the recognition.

I must confess that, if left to act entirely to my own judgment, I should not have recognized this provisional government until it should have become a government *de facto*, or until it should have succeeded in assembling a quorum of congress, nor until we could have seen whether this congress or that of Piérola (national assembly) at Ayacucho should represent the most of the people of Peru. But I claim no right to set up my own judgment against that of my government, believing strict obedience to the wishes of my government my first and sole duty.

In making the recognition, I have thought it best to place it on the precise grounds indicated by your instructions, believing that it would have a better effect in aiding this incipient government by a clear intimation that our government was more inclined to encourage constitutional than dictatorial government, and that they wished to aid in restoring peace between these belligerent republics.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 322.]

Mr. Christiancy to Mr. Galvez.

LEGATION OF THE UNITED STATES,
Lima, Peru, June 26, 1881.

MONSIEUR LE MINISTRE: My government, having been informed of the organization at Magdalena of what, in your circular note to me of April 30 last, is styled a provisional government under the presidency of Señor Doctor Don Francisco Garcia Calderon, has given me instructions, in substance, that if I find, 1st, that such provisional government is supported by the weight of character and influence of Peru; 2d, that it is endeavoring to restore constitutional government, with a view both to internal order and negotiations with Chili for peace, then I am to recognize it as a provisional government.

Believing, from the best evidence I can obtain, that each of these hypothetical propositions is sufficiently established in the affirmative, I therefore formally express such recognition on the part of the Government of the United States.

Please accept the assurance, &c.,

I. P. CHRISTIANCY.

No. 343.

Mr. Christiancy to Mr. Blaine.

No. 327.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 6, 1881. (Received July 26.)

SIR: Referring to your dispatch No. 148, and to my dispatch No. 322, I have the honor to state that, as I had some reason to fear when I wrote the last dispatch, I have still more reason to fear now, that the recognition of the provisional government of Francisco Garcia Calderon was premature, I have now further to say that the forces of that government sent to the north have, some 58 to 68 of them (for the reports do not agree), gone over to Admiral Montero, a partisan of Piérola, and that those sent into the department of Junin have been effectually driven out by the friends of Piérola within the last few days, and their prospects for forming a government are not as good now as before; yet, in view of your dispatch No. 150, as well as your previous dispatches, it is very clear that you had determined upon the recognition of the provisional government, and that I only complied with your wish in making the recognition.

I fear, however, this recognition will lead to many complications. But I have obeyed what I was compelled to consider your orders.

I am, &c.,

I. P. CHRISTIANCY.

No. 344.

Mr. Christiancy to Mr. Blaine.

No. 330.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 12, 1881. (Received August 2.)

SIR: I have the honor to inclose to you copy and translation of the circular letter of Mr. Galvez, secretary of foreign relations of Peru, dated yesterday, stating the installation of Congress, and the law passed continuing Mr. Calderon as President until the people shall elect another, &c., of which I have acknowledged the receipt.

A quorum of Congress was obtained, but I think there is room for doubt whether the means adopted to get some of the members here were strictly regular.

I have, &c.,

I. P. CHRISTIANCY.

[Inclosure in No. 330.—Translation.]

Mr. Galvez to Mr. Christiancy.

CIRCULAR.

DEPARTMENT OF FOREIGN RELATIONS,
Magdalena, July 11, 1881.

SIR: I have the honor to bring to the knowledge of your excellency that the national Congress having been installed yesterday in the town of Chorillos, it has enacted a law by which the powers conferred by the people upon His Excellency Francisco Garcia Calderon as President of the republic, are confirmed and continued according to the political constitution of 1860, until some other citizen shall be elected by the people to replace him.

Craving your excellency to inform the Government of the United States of these facts, it is grateful to me to reiterate to your excellency the assurance of my high consideration.

M. M. GALVEZ.

Hon. I. P. CHRISTIANCY,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

No. 345.

Mr. Hurlbut to Mr. Blaine.

MEMORANDUM.

At this city I have had opportunity to see the principal newspapers of the South American republics. A very strong and general sentiment appears in all of them against any dismemberment of Peru.

This feeling is naturally strongest in the Argentine Republic, whose relations with Chili are complicated; but it is expressed with much strength of argument by Colombia, Venezuela, and Ecuador.

All these articles refer to the agreement of 1810, in which without special definition of boundaries the doctrine of "*Uti possidetis*" was accepted as the basis.

Chili is charged with being the first to break up the harmony, and her pretensions are regarded as dangerous to the entire family on the continent.

There is no doubt that these articles reflect the feelings of the ruling classes.

Colombia has invited the other South American states to a congress at Panama, to establish among other things the rule that all disputes shall be determined by arbitration.

The Argentine Republic is now giving transit over its territory for arms and munitions and other supplies to La Paz, the capital of Bolivia, and thus to the forces of Piérola and Campero. As that republic has good reason to apprehend war with Chili, and is now anxiously waiting for an iron-clad from England, so as to meet the Chilian navy

on equal terms, it is good strategy for her to keep alive the war in Peru and Bolivia to occupy the Chilian forces, until they can be met on equal terms.

This purpose of the Argentines will have a tendency to prolong the war and to strengthen the party of Piérola, to the extent of causing serious embarrassment in negotiation for peace.

I am inclined to believe that the Chilians themselves are embarrassed by their present position, as it is not at all impossible that the Argentines may avail themselves of the first opportunity after they are prepared to declare war upon Chili.

The drift of public sentiment and the attitude of her nearest and most powerful neighbor are evidently producing some effect in Santiago.

It is lamentable that at this moment there should be a double government in Peru, one of which in the end will probably have to be suppressed by force. An effective union between Piérola and the government of La Paz, in the Trans-Andine departments of Peru and Bolivia, if supported even passively by the Argentine Government, can be so handled by a brave and energetic man as to be very annoying and very expensive to Chili.

The consul-general of Peru, at this place, Colonel Larranegra, is a very intense follower of Piérola, and denies the authority of the Calderon government; while the Peruvian minister resident to Central America, Thomas Lameo, now in this city, considers the Calderon government the only hope of peace and of return to constitutional government.

From the evident difference in character of the two men I consider it additional evidence of the fact as generally reported, that the better classes of Peru support the Calderon government, yet it is to be remembered that it is from the inferior classes of society in these countries that revolutions are recruited.

No. 346.

Mr. Blaine to Mr. Hurlbut.

No. 7.] DEPARTMENT OF STATE,
Washington, August 4, 1881.

SIR: As you are aware several communications have been recently addressed to this Department in reference to certain alleged claims of citizens of the United States upon the Government of Peru, with most urgent request for the good offices of the United States Government in their behalf. While I cannot anticipate that in the present distressed and unsettled condition of that country our representations, however urgent, will receive prompt or satisfactory attention, I deem it best, in view of possible contingencies, to furnish you with general instructions. The two claims for which special consideration and active intervention have been asked are those known as the Cochet claim and the Landreau claim. In reference to the Cochet claim there has been no information laid before the Department of a sufficiently definite character to warrant a specific instruction, and in the absence of the requisite data here you will be left to take such steps as may seem expedient on investigating the origin and character of the claim. The primal point at issue is whether any American citizen or association of citizens has acquired an interest in the claim in a manner entitling him or them to the good

offices of this government in making any representation to Peru. As the American holders of the claim or their attorneys will be on the ground, you will no doubt be placed in possession of all the facts, but you will take no step committing your government to the use of its good offices without first reporting in full to the Department for well considered and definite instruction. In regard to the Landreau claim, I see no reason to differ from the conclusion to which my predecessors seem to have arrived. John C. Landreau was an American citizen, apparently entitled under a lawful contract to reasonable compensation for important services to the Peruvian Government. In conformity with the established practice of our government, while you cannot in such case make an official demand for the settlement of this claim, you will employ your good offices to procure its prompt and just consideration. You will have observed that in the contract made by the Peruvian Government with Landreau and his brother it is expressly stipulated that any questions arising under its provisions should be submitted to the judicial tribunal of Peru, and that in no case shall diplomatic intervention be asked. You will also notice that the supreme court of Peru, sustaining a decision of the court below, has ruled that it had no jurisdiction of this contract, thus leaving Landreau in a position in which he can neither appeal to his own government nor obtain a judgment from the tribunals to which, by the contract, he was authorized to apply.

While this government will not, as at present informed, undertake to construe the contract or to decide upon the extent of the compensation due Landreau, you are instructed to call the attention of the Peruvian Government to this injustice, and say that the Government of the United States will expect some adequate and proper means to be provided by which Landreau can obtain a judicial decision upon his rights. If the constitution of the Peruvian courts or the interpretation of the law by Peruvian judges deprives Landreau of the justice which the contract itself guaranteed him, then, in the opinion of this government, Peru is bound in duty and in honor to do one of three things, viz: Supply an impartial tribunal, extend the jurisdiction of the present courts, or submit the case of Landreau to arbitration. I desire also to call your attention to the fact that in the anticipated treaty which is to adjust the relations of Chili and Peru, the latter may possibly be compelled to submit to the loss of territory. If the territory to be surrendered should include the guano deposits which were discovered by Landreau, and for the discovery of which Peru contracted to pay him a royalty upon the tonnage removed, then the Peruvian Government should in the treaty stipulate with Chili for the preservation and payment to Landreau of the amount due under his contract. If transfer be made to Chili it should be understood that this claim of an American citizen, if fairly adjudicated in his favor, shall be treated as a proper lien on the property to which it attaches, and that Chili accepts the cession with that condition annexed. As it may be presumed that you will be fully informed as to the progress of the negotiations between Chili and Peru for a treaty of peace, you will make such effort as you judiciously can to secure for Landreau a fair settlement of his claim. You will take special care to notify both the Chilian and Peruvian authorities of the character and status of the claim in order that no definitive treaty of peace shall be made in disregard of the rights which Landreau may be found to possess.

I am, &c.,

JAMES G. BLAINE.

No. 347.

Mr. Hurlbut to Mr. Blaine.

No. 2.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 10, 1881. (Received September 2.)

SIR: I propose, in this dispatch, to lay before you the precise situation of affairs in this country, so far as I have been able to ascertain such situation, both military and political.

The military situation is perfectly simple. Peru is effectually conquered. She has no longer any army or navy; she has no soldiers, no ships of war, no fortresses, no guns in position or in the field, no munitions of war, no means of buying any, no revenue, no treasury.

War, as such, is finished, so far as she is concerned, and has been for six months.

The Chilians have captured or destroyed her navy, have occupied, and still hold her entire sea-coast, her capital city, and her custom-houses. They have occupied in force the territory of Tarapaca, with its nitrate beds, and they hold the guano deposits, and all the accessible and fertile valleys debouching on the sea. They collect the duties at all the ports, they sell the nitrates and guano, they levy heavy contributions on the cities, and on the planters in the country held by them. The duties at the custom-houses collected by them in June were $400,000 in silver.

In the interior there is some show of resistance, but infinitely more show than substance. Secure in the physical obstacles to the march of troops, small bands of irregulars travel over the slopes of the Andes, more dangerous to their countrymen than to the Chilians. Regular war is out of the question, and, for all practical purposes, armed resistance to the Chilian force has ceased.

In so far as regards the political situation of the country in its internal relations, I consider that the government of Garcia Calderon was properly recognized by my predecessor. It is not a regular or constitutional government, but it is infinitely more so than that of Piérola, which was a violent usurpation, autocratic and despotic. Around the Calderon government all the better class of men, the holders of property, the men of education, the friends of constitutional order and of peace, are disposed to assemble.

There has been, and is now in session a national Congress, representing in its number a very decided majority, and a full quorum of senators and representatives, long since legitimately elected under all constitutional forms.

This Congress has recognized Mr. Calderon, and re-elected him as Provisional President. Calderon and his cabinet are perfectly ready to give way, at any time, to any man of character, who can unite all elements in the nation, and who may be approved by the Congress.

To this end negotiations are now going on with Piérola and his adherents. It is hoped they may succeed, and that a single head of the republic may be recognized by all.

The element now represented by the Calderon government desires peace, and Congress has authorized the Provisional President to enter into negotiations for that purpose.

I now propose to state to you the difficulties and special hardships which surround the Calderon government in their honest attempt to procure fair conditions of peace.

In the first place, the Chilian authorities have never recognized this government in any clear and distinct form. It has, from the beginning, been tolerated, consented to, and in some particulars, aided, by the Chilian military authorities; a procedure on their part which may either be from a real desire to re-establish order in Peru, or more probably to foster a division in the nation, which would still farther diminish her capacity for resistance.

Pursuant to the resolution of Congress, Mr. Calderon named his plenipotentiaries to confer on terms of peace with Mr. Manuel Godoy, the Chilian commissioner. Mr. Godoy has so far declined to receive these plenipotentiaries, and the reason is evident. By reception and the exchange of credentials the government of Mr. Calderon would be effectually recognized as the authority in Peru. Godoy then proposed to confer directly with President Calderon, but insisted that the conferences should be of a private character. To this the Peruvians replied, that the making of peace was an affair of the highest public nature, with which they could only deal in their public character, and reiterated their request for exchange of credentials. Mr. Godoy has taken time to-day to refer the question by telegraph to Santiago.

It is the purpose of the Peruvians to insist on recognition, and to prolong the discussion as much as possible.

I gather from various sources, and with reasonable certainty, the actual purposes of Chili.

It appears to be the declared intention of the existing government in Chili to make the cession of the department of Mochequa up to the river Ilo, the *sine qua non* of peace.

To such cession it is simply impossible for any Peruvian Government to consent; *first*, because public indignation would overthrow any that should so consent; *second*, because the constitution of Peru expressly forbids the execution of any treaty which diminishes the territorial integrity or reduces the sovereignty of Peru; and *third*, because the possession of that territory by Peru is the only visible means of future support, and of payment of their large public debt.

Yet it is in the power of the Chilian military authorities to extinguish the Calderon government, and thus leave the country to anarchy; and I feel satisfied that if they cannot obtain from Calderon submission to such terms as they are likely to dictate, they will dissipate his government, unless it shall be sustained by some stronger power.

Mr. Calderon says to me, that he will not consent, in any event, to the division of Peruvian territory, and that he will endure any consequences. He also says, that he is prepared to pay any indemnity in reason, to twenty, thirty, or even forty millions of dollars, and inasmuch as the Chilian Government officially state that $30,000,000 is the limit of their war expenses, and that they have received large sums, the indemnity would seem to be abundant. I fear that Peru, *alone*, cannot hope for endurable terms of peace from Chili, yet although utterly beaten in the war, she ought still to be considered as a nation.

All South America, except Brazil, is opposed to the pretensions of Chili, and all, without exception, look to the United States as the sole hope for the future of Peru, and as the only power capable of checking this greed of conquest.

It is, in my deliberate and carefully considered judgment, the proper time for the United States to act as a friend to both parties, and to say very kindly, but very firmly, to Chili, that war has fulfilled all its legitimate purposes; that longer continuance of the state of war would be disastrous to both countries, and an unnecessary invasion of the

rights of neutrals, engaged in commerce or owning as they do, large properties in Peru; and that a peace honorable to both countries should be concluded as soon as possible, on fair terms as to indemnity. It will be remembered that Chili in the Arica conferences denied any purpose of acquiring territory by conquest, and placed her demand for cession of territory solely upon the ground that Bolivia and Peru had not the means to pay a money indemnity.

Inasmuch as Peru offers to pay and can pay a money indemnity, the forcible annexation of territory ought not to be permitted. By such action on the part of our government we would gain the highest influence in South America, we should subserve the purposes of a truer civilization, and inaugurate a higher style of national and international law on this continent.

In whatever form this may be done, if done at all, it ought to be done very speedily, and as a very serious emergency may arise at any time, I should be happy to receive from the Department by telegraph, some indication of approval or disapproval of my views.

As I am at present advised, after careful consideration of the instructions given to myself and Mr. Kilpatrick, and the personal conferences held with you, I shall not interfere with Mr. Godoy or his negotiations unless it shall be apparent that the purpose is to crush out the national life of Peru. In that case I shall calmly and strongly protest against such a course, and indicate in distinct terms that such action does not at all conform to the wishes of the United States, and meets with its disapproval. This, however, only in case the emergency shall arise before I hear from the Department.

I am well aware that the proper channel of communication is at Santiago, but inasmuch as the peace conferences have been undertaken here, I should desire full instructions.

The condition is very serious, and demands prompt action if it be the purpose of the United States to save Peru from being obliterated as an independent power.

You may be assured that I shall not precipitate matters, but shall endeavor in all ways to have the preliminary negotiations prolonged, that you may have full time for consideration and for transmission of instructions both to Lima and Santiago. I inclose copy of a confidential letter to General Kilpatrick, and close by repeating that no such opportunity for the just extension of American influence in the interest of humanity has been presented to my knowledge, and that the failure to use it would, in my judgment, relegate the whole of South America over to European influences, which are openly or covertly hostile to the United States, at all events so far as their representatives on this coast are concerned.

The English steamer leaves Panama every Wednesday, and a telegram to that point would reach me in nine days after its delivery.

I have, &c.,

S. A. HURLBUT.

[Inclosure in No. 2]

Mr. Hurlbut to General Kilpatrick.

LEGATION OF THE UNITED STATES,
Lima, Peru, August 5, 1881.

MY DEAR SIR: I have assumed charge of this legation on the 3d instant, relieving Mr. Christiancy. I have seen enough of the situation here to assure me that the

hope of a permanent and honorable peace is not likely to be realized unless the conquerors exercise far more moderation in their demands than now appears probable. No government under any form can stand in Peru, which would consent to the cession of territory. It is understood that the Chilian authorities will demand a cession which shall include the whole or a large part of the department of Mochequa, and all to the south of that. As such cession would include the most productive part of the Peruvian territory, on which the debt of the republic is largely secured, it is evident that nothing but the last extremity would justify such surrender.

You are undoubtedly aware of the wishes of our government in the matter. These wishes I understand to be, 1st. That peace on fair and honorable terms should be arranged as speedily as possible. 2d. That the integrity of the Peruvian territory should be maintained. 3d. That full, fair, and reasonable indemnity ought to be made to Chili for the expenses of the war.

The United States are not disposed to recognize on this continent the European notion of addition to territory by conquest, and as we are becoming day by day more interested in the commerce of the Pacific, it becomes daily of more importance to us that peace should prevail.

Now it appears to me that a peace dictated in humiliating terms by a conqueror, or extorted under pressure of superior force, necessarily brings with it the seeds of perpetual war, and that it would be the most unfortunate thing for the future prosperity of Chili. If that nation proposes to pursue the path of conquest and to depend upon military strength for her future greatness, she will array against herself the public sentiment, not only of America, but of the civilized world. Her highest interest, it seems to me, is to conclude her successful campaign by such terms of peace as may leave Peru an independent nation, and without any other humiliation than that which necessarily comes from defeat in arms. I am perfectly sure that terms of money indemnity can be arranged. I am equally sure that to demand, as condition of peace, the surrender of the south, will be equivalent to denial of peace at all, for the reason given, that no government which concedes this can live. The result will be disorganization in Peru, the formation of guerrilla bands, the destruction of vast amounts of property, and a heavy burden and continual drain upon the resources of Chili, both in money and in men. At present we recognize the government of Garcia Calderon, to bridge over the present chasm. He has in session a very decided majority of the lawfully elected members of Congress. Congress has authorized him to treat with Señor Godoy on terms of peace. I am afraid that that astute diplomat intends to play fast and loose. As yet he has not recognized Calderon officially, nor has he consented to exchange credentials and powers with his plenipotentiaries. This of course would be complete recognition, which undoubtedly should precede any conference on matters of substance. In other words, I think he intends to recognize only in the event of obtaining his own terms, and if he fail in this, to say "you represent nobody, are not a government, and we decline to confer farther with you."

My own opinion is, that it is full time for the United States to take a very decided part in the affairs of South America, and I shall communicate all the facts of the situation to the Secretary of State. * * * *

Your friend and colleague,

S. A. HURLBUT.

No. 348.

Mr. Hurlbut to Mr. Blaine.

No. 5.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 17, 1881. (Received September 17.)

SIR: On Sunday last Señor Godoy, Chilian commissioner, had an extended conference with Provisional President Calderon, in which he insisted that the peace conferences should be conducted between himself and Calderon in his private capacity, and if the results were satisfactory then the formal treaty should be executed by plenipotentiaries already named by Calderon.

This proposition was firmly refused by Calderon, who insisted on his part that he must be recognized either tacitly by recognition of his plenipotentiaries or openly in an official communication.

The conference was then adjourned until to-day (Wednesday).

On yesterday, to the surprise of every one, Godoy left on the steamer for Santiago without any further communication. Various reasons are assigned for this sudden departure. He was undoubtedly called home by telegraph, probably for the purpose of more full discussion.

It is understood that the Santa Maria Government proposes to withdraw the whole Chilian force to Tarapacá; and as a sudden withdrawal would be likely, in the present state of things, to be followed by mob rule and great violence in Lima, and as Godoy's family are largely interested in property in this city, it is thought that he has gone home to press this consideration upon Santa Maria.

In the event of such withdrawal of Chilian troops, without *first* permitting the Peruvian authorities to supply themselves with arms, the only means of avoiding or controlling the "commune" here, will be the Urban Guard, consisting of foreigners, and they are wretchedly supplied with arms.

Piérola is still issuing proclamations, and is said to have about 5,000 men. He failed to assemble a congress of any pretense to regularity, and calls his gathering a national assembly. The members were dictated by himself and ought to be unanimous.

The situation continues to present little hope, unless the United States can and will exercise a salutary pressure upon the belligerents, for which, in due course of time, both parties will be properly grateful.

I have, &c.,

S. A. HURLBUT.

No. 349.

Mr. Hurlbut to Mr. Blaine.

No. 6.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 24, 1881. (Received September 17.)

SIR: Since my last (No. 5) nothing special has occurred in relation to the questions between Chili and Peru.

On yesterday I had a long conversation with Mr. Quimper, formerly minister of internal affairs of this country. He is a man of strong intelligence, thoroughly acquainted with this country, and on intimate terms with Santa Maria and the leading spirits of Chili. He gave me valuable information on two points:

First. That if the Calderon government shall succeed in negotiating peace without cession of territory all factions would at once disappear.

Second. That from his private letters from Santa Maria he finds that the tone of the Chilian demands is lowered, and they talk now of indemnity in other form than territorial.

Much of this, I believe, is owing to the idea, current in Chili as well as here, of a probable action by the United States to secure peace; of which action the people at large have very vague and extravagant notions.

Rumors of all kinds are current, all, however, based upon the same premise, that in some form or other the United States will be able to check the extravagant demands of Chili, and her tendency to dictate rather than discuss terms of settlement.

I am more than ever convinced that a firm and temperate statement of the views of our government will control the action of Chili. Mean-

while time, which is an important element for Peru, has been gained, for negotiations cannot now be open before the 1st of October.

If Chili will meet Peru in discussion upon the terms of peace as equal meets with equal, and not as an imperious dictator, terms can be arranged.

The voice of the United States can secure that, and for that voice I think both governments now wait.

I have, &c.,

S. A. HURLBUT.

No. 350.

Mr. Hurlbut to Mr. Blaine.

No. 8.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 27, 1881. (Received September 27.)

SIR: I was favored on the 24th instant by a visit from Admiral Lynch, commanding the Chilian army of occupation.

In the course of this visit he introduced of his own accord the question between Chili and Peru, and said to me that there were many rumors afloat as to the attitude of the United States, and that he begged me to tell him frankly what I understood to be the position of our government. He further said that he did not ask this in any diplomatic sense, but wanted a free statement from me for his own guidance and information. I answered that there was no concealment nor wish to conceal on my part what the sentiments of the United States were, and that I would tell him exactly what we believed to be the rights and duties of the two parties. This I did verbally, and further said to him that I should at once reduce my views to writing to avoid any misapprehension.

Accordingly, on the 25th August, I forwarded to him the written statement inclosed, to which I ask your attention.

On receipt of this communication the admiral at once proceeded to confer with the British minister, and within three hours from the reception of my statement both the British and French ministers visited President Calderon, offered their good offices, and informed him that they fully believed that through Admiral Lynch they could influence Chili to an honorable peace. They also said to him that peace could be arranged without cession of territory. Calderon, to whom I had sent a copy of my statement to Lynch, understood perfectly the sequence of affairs, and attributes the whole of their sudden and favorable interest in Peruvian affairs to the effect of the memorandum, especially as both the English and French ministers have uniformly told him heretofore that Chili would not be content except with cession of territory, and have as uniformly advised him to consent to such cession. The change was so abrupt and so favorable that it can hardly be explained on any other basis.

I am informed that Admiral Lynch sent a copy of the memorandum to his government, and I sent one to General Kilpatrick for his information and for such action as he might think best to take.

I am happy to say that the Calderon government express themselves as very much pleased with the memorandum.

I am greatly obliged to Admiral Lynch for giving me the opportunity

of formal expression of my views, as otherwise it would have appeared intrusive, and perhaps impertinent, to have offered such a statement.

I am confident that you will approve the substance of the memorandum, and I would like General Kilpatrick to be instructed to express similar views in case of opportunity given.

Mr. Christiancy was in the questionable habit of calling together the diplomatic corps and taking counsel on almost all questions, which practically emasculated the United States and deprived them of their proper leadership. The English and French ministers seem somewhat aggrieved, or pretend to be, at action of any kind by me without concurrence, but, as I stated to one of them, the position of the United States is its own, and only to be determined by itself.

I have, &c.,

S. A. HURLBUT.

[Inclosure in No. 8.]

Mr. Hurlbut to Admiral Lynch.

LIMA, *August* 25, 1881.

ADMIRAL: In order to prevent any misconstruction as to the conversation I had with you on yesterday as to the condition of affairs between Peru and Chili, I have thought it best to reduce the statement to writing.

MEMORANDUM.

Without any reference to the causes of the war, I understand my government to be of the opinion that all legitimate purposes of war have been accomplished by the overwhelming defeat of the Peruvian armies, the capture or destruction of their navy, and the occupation of the capital and entire sea-coast.

When organized and respectable resistance has ceased the state of war ought to cease. That commerce and the rights of neutrals have been sufficiently injured; and that the large interests in Peru which are held by foreigners, many of them Americans, should not longer be imperiled by the unnecessary prolongation of the state of war.

For these reasons, and because of the friendly feeling of the United States to both parties, we are of the opinion that peace is the first duty of both nations.

I wish to state further, that while the United States recognize all the rights which a conqueror gains under the laws of civilized war, they do not approve of war for the purpose of territorial aggrandizement, nor of the violent dismemberment of a nation, except as a last resort and in extreme emergencies. As there never has been any question of boundaries between Peru and Chili, and therefore no frontiers to regulate, and as Chili has repeatedly, publicly, and officially disclaimed any purpose or design of forcible annexation of territory, we are clearly of opinion that such action now would not comport with the dignity and public faith of Chili, and would be disastrous to the future tranquillity of both countries by establishing a very serious grievance, which would constantly tend to manifest itself in disturbances.

The United States concede, as a matter of public law, that Chili has the right (under the code of war) to full indemnity for the expenses of the war; and that Peru ought to pay such indemnity as may be agreed on by the parties, or be determined by a disinterested arbiter, in case they cannot agree (if such mode be selected); and further, that Chili has the right to demand securities, if time is given for the payment.

But we are also very clearly of the opinion that Peru ought to have the opportunity, in full and free discussion of the terms of peace, to offer such indemnity as may be satisfactory; and that it is contrary to the rules which should prevail among enlightened nations to proceed at once, and as a *sine quâ non* of peace, to transfer territory, undoubtedly Peruvian, to the jurisdiction of Chili, without first demonstrating the inability or unwillingness of Peru to furnish indemnity in some other form.

Such a course on the part of Chili would meet with decided disfavor on the part of the United States.

It ought to be borne constantly in mind that Chili has won military reputation. and can afford to deal not only justly, but liberally. Peru has lost military reputation, and cannot afford much further humiliation, and that it is never wise to drive even a con

quered people into desperation. Chili has acquired her high place among the nations by the benefits of a settled government; by due enforcement of the laws; by the labor and industry of her people; in short, by the arts of peace. To this she has added, in this war, splendid triumphs by land and sea. The United States would deeply regret if she should change her course and be carried away on a career of conquest, because the military and aggressive spirit would interfere with her true progress, excite dangerous animosities, and combine many elements against her. We are, therefore, of the opinion that the act of seizure of Peruvian territory and annexing the same to Chili, whether done by mere superior force or by dictating the same as an imperative condition of the cessation of hostilities, in manifest contradiction of previous disclaimers of such purpose by Chili, would justly be regarded, by other nations, as evidence that Chili had entered upon the path of aggression and conquest for the purpose of territorial aggrandizement. The United States desire, above all things, that peace should continue among the South American republics, and that commerce and industry should combine to develop their wonderful resources to their own advantage, and for the benefit of the world, and we are unable to see any good reason why the state of war should much longer continue, to the serious prejudice of such vast interests, nor any good reason why peace, on terms of justice, should not be consummated at an early period, without unnecessary humiliation to one party and with full satisfaction of all the appropriate demands of the other.

S. A. HURLBUT.

No. 351.

Mr. Blaine to Mr. Elmore.

DEPARTMENT OF STATE,
Washington, August 27, 1881.

SIR: I have had the honor to receive from your hands the letter whereby his excellency the minister of foreign relations of Peru acquaints me with your selection by the President of that republic as its minister resident accredited to this government.

The critical condition of the President of the United States at the present time forbids any immediate arrangement for the formal presentation of your credentials, but it will afford me, in the name of this government, great pleasure to enter forthwith into full diplomatic relations with you pending the observance of that formality. To this end I beg that you will kindly transmit to me now the office copy of the letter of credence which you bear from the President of Peru, leaving to a later day the presentation of the original to the President.

Agreeably to your verbal request, I have the pleasure to send you herewith a copy of the note of Señor Galvez, which you handed to me in our recent interview on the 26th instant.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 352.

Mr. Elmore to Mr. Blaine.

[Translation.]

LEGATION OF PERU,
Washington, August 29, 1881. (Received August 30.)

SIR: I have had the honor to receive your excellency's esteemed letter of 27th instant, in which, referring to the communication addressed

to your excellency by the minister of foreign relations of Peru, under date of June 15, 1881, and which I had the pleasure to place in your hands on the 26th of the present month, announcing to your excellency the recall of my predecessor, the chargé d'affaires Señor Ignacio García, and my appointment as minister resident of Peru to the Government of the United States. Your excellency is so good as to inform me that the critical condition of his excellency the President of the United States at the present time forbids any immediate arrangement for the formal presentation of my credentials; but that it will be agreeable to your excellency, in the name of your government, to enter forthwith into full diplomatic relations with me pending the observance of that formality. To this end you ask me to transmit to you now the office copy of my letter of credence from the President of Peru, leaving to a later date the presentation of the original to his excellency the President of the United States.

I beg to offer to your excellency, Mr. Secretary, my sincere thanks for this proof of the friendly disposition of your excellency's government, and I herewith have the pleasure to inclose the office copy and a translation of my letter of credence.

I also thank your excellency for the copy of the note of Señor Galvez, which you kindly sent me.

While continuing my most earnest prayers for the recovery of his excellency President Garfield, I have the honor to renew to your excellency the assurances of my highest and most distinguished consideration.

J. F. ELMORE.

[Inclosure in Mr. Elmore's note of August 29, 1881.—Translation.]

President of Peru to President of the United States.

Francisco Garcia Calderon, Provisional President of the Republic of Peru.

To His Excellency the President of the United States of America:

SIR: My most earnest and constant desire being to cultivate and draw closer the relations of friendship and good harmony which happily exist and are kept up unchangeable between Peru and the United States of America, I hasten to inform your excellency that I have chosen Dr. Don Juan Federico Elmore with the object that he may reside in the United States as the minister resident of Peru.

The intimate knowledge I have of the qualities which distinguished Dr. Don Juan Federico Elmore, and of his zeal for the public service, fully satisfies me as to the manner in which he will fulfill the high duties intrusted to him.

I hope that the person of this minister will be agreeable to your excellency, and that you will please honor him with a kind reception, giving full faith and credit to whatever he may say in the name of Peru, and more especially when expressing to your excellency my desire to maintain the good and friendly relations and the cordial intelligence existing with the Republic of the United States, for whose prosperity and that of your excellency I offer my most sincere wishes.

I beg your excellency to accept the expression of my highest consideration.

Written, signed, sealed, and countersigned by the minister of state in the department of foreign relations, at Magdalena, Lima, on the 14th day of the month of June, in the year 1881.

[L. S.]

F. GARCIA CALDERON.

El ministro de relaciones exteriores.

M. M. GALVEZ.

No. 353.

Mr. Blaine to Mr. Elmore.

DEPARTMENT OF STATE,
Washington, August 31, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 29th instant, and of the office copy of the letter accrediting you as minister resident of Peru in Washington, which accompanied the same.

In accordance with the signification of my note of the 27th instant, the Department takes much pleasure in welcoming you as the diplomatic representative of Peru in the United States, and I trust before long to arrange the ceremony of your presentation to the President.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 354.

Mr. Hurlbut to Mr. Blaine.

No. 11.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 13, 1881. (Received ———.)

SIR: Negotiations are in progress between the Calderon government and the military chiefs of the north and center, Montero and Cacères, looking to a recognition of that government by these parties. I am inclined to think they will be successful; and in that case the Piérola faction will lose two-thirds of its strength and the whole of its prestige.

I have been very freely consulted in the matter by the agents of both parties, and have no doubt that the attitude assumed by me, as representative of the United States, in urging union, has had a very important effect.

Piérola seems to have lost his head completely, and has issued decrees of a nature so utterly inhuman as to alienate from him many elements of strength. He has issued orders to all his prefects to arrest and try by summary court-martial all persons who acknowledge, aid, or support the Calderon government, and if found guilty to shoot him at once. He has also imposed very heavy contributions on the property of all such persons within his lines, and orders his subordinates, in case payment shall not be made in eight days, to sell or to destroy such property.

These decrees are published in his official paper in Ayacucho, and are in my possession.

On the 10th day of September instant I received a letter from Señor García y García, secretary for Piérola, directed to me as minister, intended evidently to convince me that Piérola was in reality the choice of Peru.

Knowing, as Mr. Garcia did, that the United States had already recognized the Calderon government, it was a singular procedure, and almost an impertinence.

I took occasion to answer him at some length, and inclose a translation of his letter, and a copy of my reply.

I communicated to Calderon the letter of García and my answer, because I considered it a matter of good faith to do so, and I imagine he will use the documents in his correspondence with Montero and Cacères.

Nothing further will be known, as I suppose, of the intentions of Chili until after the 18th, when the Santa Maria government will commence.

Opinions are divided in Chili whether to withdraw their forces to Tarapaca, or to continue an indefinitely prolonged occupation of Peru. The latter, in my judgment, ought not to be permitted. Commercial and local interests, in which our people are largely interested, are perishing day by day in this abnormal state of affairs, and a stop ought to be put to it. I have in previous dispatches given my views very fully and only await an answer from the Department.

We are masters of the situation, if we choose so to be.

I am, sir, &c.,

S. A. HURLBUT.

[Inclosure 1 in No. 11.—Translation.]

Señor García to Mr. Hurlbut.

GENERAL DEPARTMENT OF STATE,
Ayacucho, August 23, 1881.

SIR: The presence in Peru of an envoy of the great American Republic is always the cause of lively pleasure to my fellow citizens, whose sentiments of regard and admiration for that model nation are the natural result of deep-seated sympathies.

The national government, as the representative of such spontaneous and delicate feelings, fulfills its official duty, very agreeably in its nature at the present time, in congratulating your excellency on your safe arrival on the soil of our country.

Unfortunately the first views you have obtained have not shown to you those evidences of progress or of tranquillity which the weary traveler on his arrival to the hospitable shores of Peru could once contemplate with pleasure.

The foreign war, to which we were challenged without notice, has spread ruin and desolation wherever the enemy has planted his feet, and, as if such calamities were not themselves sufficient, a petty faction of unpatriotic Peruvians perpetuate these miseries, making of themselves in the village of Magdalena the docile instruments of the invader, although they are separated from all the country, in order to maintain this appearance of anarchy.

This truth, which your excellency will have discovered by your own examination of matters passing every day, must have formed in your mind the persuasion that there is no longer any perplexity in determining which is the "executive power" in Peru.

Guided undoubtedly by this foresight your excellency, in that republican and thoroughly practical spirit which characterizes your countrymen, said "the mission reserved for the sons of Peru is to give or refuse their powerful support, as the basis of that popular force, without which no government can long exist," and afterward, "notwithstanding the people of Peru are the only sovereign judges in this matter."

Now, then, this sovereign judge in Peru, whose right your excellency declares and recognizes, does not obey or support in the twenty departments of Peru which compose the republic (excepting only the cities on the coast occupied by the Chilian forces) any other government than that of His Excellency the President Señor Colonel Nicolás de Piérola, constitutionally proclaimed as such by the national assembly now in actual session, which representative body was created by election as free as ever took place in any nation.

The nature of this communication compels me to omit all commentary. I have only desired to present facts, and as these are themselves convincing in their nature, I ask that you will give them the attention which they deserve.

These facts, also, will be the subject of study on the part of the Secretary of State of the United States, to whose impartial and careful judgment they will have been submitted by the plenipotentiary in Washington of our ally, the Republic of Bolivia, in the absence of the chargé d' affaires, accredited by us in that capital.

The moral support which the factionists of Magdalena have sought to obtain by cultivating official relations with your excellency, compels me, in the love of peace, to direct to you this letter, which otherwise would seem contrary to diplomatic usages and to the ordinary practice.

I avail, &c.,

AURELIO GA. Y GARCÍA.

To His Excellency General STEPHEN A. HURLBUT,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Peru.

[Inclosure 2 in No. 11.]

Mr. Hurlbut to Señor García.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 12, 1881.

SIR: I have the honor to acknowledge the receipt of your communication of date of August 23, 1881.

In reply, permit me to say that it would not be proper for me to enter into any discussion as to the internal affairs of Peru unless in answer to some invitation to do so.

Inasmuch as you have, by your letter, opened the way, I propose to give you my opinion very frankly, yet with all possible kindness.

Peru is supposed to be a republic under a constitution, which ought to be the supreme law.

The seizure of supreme power by Señor Piérola and his assumption of an office not known to the constitution were revolutionary acts, and destructive of proper reverence for law.

The violent and forcible manner in which this revolution was accomplished gave to the undertaking the nature of a crime against liberty.

The dictatorial office was a simple tyranny, autocratic and despotic in its plans, in its titles, and in its acts. During its existence, the constitution of Peru was destroyed, and the mere will of one man was substituted for the laws and the constitution.

The people of Peru, suffering under a war of invasion, submitted to this autocracy because they believed it would lead them to victory. Foreign nations recognized it as a government *de facto*, but did not approve its creation nor its methods. Instead of victory, the dictatorship led to fatal defeats, and the dictator fled from the capital.

The people of Peru have had no opportunity, since that time, to have any free and fair expression of their wishes and their preferences.

The "national assembly" had no right, under the constitution, to exist, and its decrees have no more legal value than the expressed opinion of any equal number of private citizens. Their confirmation, therefore, of the vast and autocratic powers of the late dictator, under his new title of president, gives no greater validity, in law, to his authority or his pretensions.

It is with very great regret that I am compelled to say to you, that the recent decrees issued at Ayacucho, as to the persons and property of those who do not recognize Señor Piérola, are inhuman and barbarous, and of themselves stamp the government that uses such means, as being beyond the pale of law. Such violent edicts are to my mind conclusive proofs that the government with which you are connected depends solely upon force and not on public sentiment.

A strong government, secure in the affections of its people, would never have recourse to such means of cruelty and destruction.

Such measures compel all civilized goverments to look with disfavor upon the authority which make use of them.

So much I feel it my duty to say to you as to the government presided over by Señor Piérola.

The government presided over by Señor Calderon does not assume to possess perfect regularity. It is "provisional," that is to say, a temporary means of carrying on the functious of government, until the nation can act freely and fairly. It is supported by the national Congress, a body known to the constitution, and is an effort toward the re-establishment in this country of regular and constitutional government.

You are mistaken when you state that they are in sympathy with the Chilians. They are not. They want peace, as the whole country wants it, but they will not sacrifice the national honor nor cede the national territory to obtain it.

The Chilian authorities are in communication with both parties in Peru, and you yourself have written to Admiral Lynch. Chili wants and demands the territory of Tarapacá, and will recognize any one who will cede it. The Calderon cabinet will not; it remains to be seen whether the Piérola cabinet will. Meanwhile, under the system inaugurated at Ayacucho and carried out by the prefects, Peruvians are to-day worse enemies of Peruvians than the Chilians can be, and the efforts of the friends of Peru are paralyzed by your intestine dissensions.

When the United States ask of Chili why peace cannot be made, the answer is, that there is no government in Peru to make peace with. Is it not better to make an end to this state of things, and for all true sons of Peru to unite on some head of the nation, to whom all parties and all factions should yield for the purpose of saving the country from hopeless ruin, of restoring peace, and the orderly and quiet reign of the constitution and the laws?

I have, &c.,

S. A. HURLBUT.

To Señor AURELIO GARCÍA Y GARCÍA, *Ayacucho.*

No. 355.

Mr. Hurlbut to Mr. Blaine.

No. 12.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 14, 1881. (Received ——— —, ———.)

SIR: I acknowledge the receipt of your dispatch No. 7, date August 4, 1881, in relation to certain alleged claims upon the Government of Peru. As to the Cochet claim, this legation has nothing but vague and sweeping statements, better adapted to creating a commercial enterprise than to any judicial or quasi-judicial action. I have been favored with two very extraordinary letters and some printed matter, emanating from Mr. J. R. Shipherd, to which I reply by this mail, asking specific statements as to the origin, character, and extent of the claim and the proofs in support of it. In the Landreau case the proofs are sufficient, and the condition in which the Peruvian Government has left the complainant forms a just ground for a decided appeal to their sense of justice. I shall follow the direction in your dispatch and interpose on behalf of this and all other American claims if any negotiation takes place between Peru and Chili which involves the loss of territory. I shall take special care that this claim and the attitude of the United States in respect to it be officially made known to the proper authorities of both governments. I beg leave to call your special attention to the extracts (given as inclosure to this) from a letter of Mr. J. R. Shipherd to me, dated 19th August, 1881. I need not say that if any such arrangement was in fact made that it would seem proper that I should be officially informed of it. As yet I have not received from the Department any telegram whatever, nor any instructions, except in your No. 7, which certainly do not touch the very strong points reported to me by Mr. Shipherd. As at present advised I have no faith whatsoever in the "Peruvian Company," not much in Mr. J. R. Shipherd, and am wholly in the dark as to the honesty or value and extent of the Cochet claim. If half of his statement is true, and the United States assumes charge of the claim, we should own Peru by a mortgage which can never be paid.

I am, &c.,

S. A. HURLBUT.

[Inclosure in No. 12.—Extract from letter of J. R. Shipherd to S. A. Hurlbut, date 19 August, 1881 professing to give report of an interview with Secretary Blaine.]

But this is not quite all. It is notorious that Chili, Peru, and certain creditors of Peru are at the very point to apportion among themselves, not only the guano, which is *absolutely our property*, but the only other available asset of Peru—the nitrates—also. If such appropriation were allowed, irreparable mischief might result. I therefore ask a preliminary injunction forbiding all progress in the direction of any such apportionment until the Landreau claim and the Cochet title are first properly recognized and provided for, the former paid as *res adjudicata*, the latter allowed or firmly disproved.

The secretary instantly responded: "That you will get, and I will make it my first business." On the 2d instant, very soon after, by direction of the secretary, I was advised that the identical instructions suggested had been that day sent you, both by cable and by post, and that I might rely upon the *statu quo* accordingly.

No. 356.

Mr. Hurlbut to Mr. Blaine.

SEPTEMBER 14, 1881. (Received October 4.)

SIR: After I had closed and sealed up my official mail I received from Mr. Quimper the inclosed letter and two copies of his History of Events, to be forwarded to you. Mr. Quimper is one of the strongest intellects and best-known men in Peru, and you may rely upon his statements. I have not time to translate his letter, but Mr. Elmore will do it for you.

I have read it hastily, and concur with him in his statement.

I can hardly expect you to read his pamphlet, although it is worth reading.

In great haste,

S. A. HURLBUT.

[Inclosure in Mr. Hurlburt's letter of September 14, 1881.—Translation.]

Mr. Quimper to Mr. Blaine.

LIMA, *September* 14, 1881.

ESTEEMED SIR: Although I have no special claim upon your attention, the fact of my being an American and a citizen of Peru induces me to take up my pen in order to describe the present condition of affairs in Peru, and I trust that you will kindly read what I have to say.

General Hurlbut's arrival at Lima, with instructions from the American Government, to endeavor by every means in its power, to effect the conclusion of an honorable peace between Chili and Peru, has led the nation to hope for a speedy and safe termination of the present unfortunate and anomalous state of things.

I do not propose to make any inquiries as to the policy which the enlightened government of the union proposes to pursue. I simply propose to lay before you a sketch of the present situation of affairs in Peru, together with a brief statement of the causes which have led to that situation.

Before the war Chili had no claim whatever upon Peru, inasmuch as the two countries did not border upon each other,* and as Peru had given no cause of complaint to Chili. As long ago as 1872 Peru made a treaty of alliance with Bolivia, but it never took effect, although several of the cases therein provided for arose. In the mean time an unimportant question between Chili and Bolivia led the former to occupy the Bolivian territory of Antofagasta. Peru then appeared as a mediator. She did so with perfect propriety at that time, since the treaty had become inoperative and the *casus fœderis* had not yet been declared.

The Peruvian minister at Santiago was busy with the subject of the mediation when Chili suddenly declared war against Peru.

This declaration of war was made at a time when our minister to Bolivia had, in pursuance of instructions from the Government of Peru, induced that nation to repeal the "ten-cent law," which was the cause of the war between Chili and Bolivia.

Peru, being completely defenseless, was taken entirely by surprise, and was obliged to put forth her utmost efforts to avoid being crushed at once. Her navy was in a wretched condition and greatly inferior to that of Chili, but was put on a war-footing at once. Her army, which consisted of but 3,000 wretchedly armed men, was sent to protect the southern frontier.

The history of this war and the true cause of our disasters are given in the statement which I have prepared, and which I inclose herewith, begging you to read it, or to have it read by some person in whom you have confidence. You will thereby become convinced that the victories of Chili were easily won without earning any real glory for the Chilian arms.

Chili entered the contest fully prepared, while Peru was taken wholly at a disadvantage, and was consequently obliged to succumb.

The internal situation of Peru is as follows: The constitutional Government of Peru

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* Correct, although otherwise represented on many maps.

was preparing to collect war material for the purpose of conquering Chili, when Col. Nicolas Piérola, of the National Guard, formerly a conspirator, got up his revolution of December 21, 1879, whereby he destroyed all the institutions of the country and proclaimed himself dictator. The army initiated the movement, and was seconded by the people, who believed in the promise of victory which Piérola made, provided he were only invested with discretionary powers.

Sad is the history of that administration of one year, during which the so called dictator plunged the country into disaster of every kind, thus facilitating the definitive triumph of Chili at Chorillos and Miraflores.

The dictatorship, which was proclaimed *de facto* on the 21st of December, 1879, succumbed *de facto* on the 15th of January, 1881.

Piérola then became a fugitive in the interior of Peru, not having saved a single weapon during the disasters of January, although he might have done so, and the Chilian authorities in this capital, after they had occupied it, declared their unalterable determination to make no treaty of peace with him, though they expressed their readiness to do so with the constitutional government, which they considered the legitimate representative of the country.

In order, therefore, to secure peace, which was earnestly desired by the entire people of Peru, a provincial constitutional government was organized at Lima, with Mr. Garcia Calderon as President, who immediately convened the lawful Congress, that it might adopt suitable measures.

Congress met, and after ratifying the powers of Mr. Garcia Calderon, authorized him to conclude a peace with Chili.

In the mean time events have occurred in Peru, both in connection with its internal affairs and its relations with Chili, which have given an irregular aspect to the present situation.

The departments of Lima, Callao, Huanaco, Junin, Liberotad, Anacachs, Lambayeque, Amazonas, and many provinces belonging to others, have spontaneously recognized the government of Garcia Calderon, their principal citizens signing a declaration to that effect. Piérola's authorities, however, and the scanty forces still under his command, have brought the greater part of the aforesaid departments once more under the control of the dictator. The consequence is, that Mr. Garcia Calderon's provincial government exercises its authorities in but few of them.

This fact is not difficult of explanation. The warlike attitude that is still maintained by Peru towards Chili and the conduct of the Chilian army of occupation tend to sustain the bogus government of Piérola.

Yet it is absolutely *certain* that as soon as Chili shall have concluded an honorable treaty of peace with Mr. Garcia Calderon, all of Piérola's officers, together with the men under their commands, will recognize such treaty and the constitutional government.

The conduct of the Chilian authorities may be explained as follows:

The Chilians consented at Lima to the formation of the provisional government, because that course coincided with the determination which they had announced not to treat with Piérola. As soon, however, as they became convinced that the provisional government refused to admit that they had conquered Peru they began to oppose it openly, and to encourage Piérola, with a view to keeping Peru in a state of anarchy, so that they might be able to occupy the Peruvian coast indefinitely, availing themselves meanwhile of the country's resources, on the pretext that there was no actual government with which they could treat.

The Chilian authorities have always pursued a course calculated to prolong a state of anarchy in Peru. When they thought that Piérola's power was increasing they sent an expedition against him, and when they thought that the same was the case with the government of Mr. Garcia Calderon they did everything in their power to bring it into discredit and to increase the importance of Piérola.

Negotiations have recently been set on foot between Mr. Garcia Calderon and Mr. Godoy, the Chilian plenipotentiary, the object of which is the explicit recognition of the provisional government by Chili.

Nevertheless, Mr. Godoy has said that if the provisional government wished to be expressly recognized it must first settle the terms of peace with him.

There have been four conferences between the Chilian plenipotentiary and Mr. Garcia Calderon, and while the former was still saying that he was willing to continue them, he suddenly, without having given any warning, left for Chili.

This fact is explained, and, I think, correctly, by the knowledge which it is supposed that Mr. Godoy had of the mission intrusted to General Hurlbut. He went to Chili, he said, for the purpose of getting precise instructions for all cases that might arise.

The fact is, that when Mr. Godoy took his departure he left the negotiations suspended, and all prospects of peace at a standstill.

Such is the present condition of things. We shall be in a state of suspense until the return of the Chilian plenipotentiary.

Chili says that there is no government in Peru with which she can treat.

This is not true. The government of Mr. Garcia Calderon is one which fulfills all conditions of legitimacy, and its acts, so far as the conclusion of a peace is concerned, would be immediately accepted by the entire republic.

If it is not recognized by the considerable armed forces which apparently obey Piérola, this is because the proper time for such recognition has not yet arrived.

And it is not well that such recognition should take place, for if it should, the Chilian army would treat those forces as it has just done those of Magdalena, viz, disarm and disperse them; and since it would then consider the government of Mr. Garcia Calderon as a war government it would not be in the power of the latter to continue negotiations.

Given, then, the conditions of life now possessed by Mr. Garcia Calderon's government, it cannot and ought not to increase in power. It should make peace while in its present condition, and such a peace, as I have already remarked, would be accepted by the whole nation.

Peru will be mainly indebted for this great benefit, in any event, to the people and the enlightened government of the United States.

Accept, sir, the assurances of the regard of your faithful and obedient servant,

J. M. QUIMPER.

No. 357.

Mr. Hurlbut to Mr. Blaine.

No. 14.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 21, 1881. (Received October 17.)

SIR: Since my last dispatch there has been nothing of any special consequence. I am still without any reply from General Kilpatrick to my communications, which is probably due to the severe illness with which he has been afflicted.

It appears to be of vital importance that the United States should determine, in advance, the position which they will hold in relation to the procurement of peace and the settlement of the questions between Peru and Chili.

I hope by the next steamer, or at all events by that which will arrive on October 1, to have some definite communication from you.

I believe that Chili will make the cession of Tarapacà a *sine qua non* of peace, and that on this point they will not admit of discussion, unless under pressure from some other power than Peru.

If the United States are disposed and ready to insist that Peru shall have the opportunity to offer a money indemnity, and thus escape cession of territory, I am satisfied that such insistance on our part should pass directly from the Secretary of State to the Chilian minister at Washington, and thus come with the highest authority.

If, however, the Department of State is not willing or prepared to take this step, I cannot see how I can exercise any wholesome influence upon the stronger of the two belligerents.

The governments both of Chili and Peru have undoubtedly been informed that the United States would view with serious disfavor any request for, or acceptance of, aid from any European government in this matter of American policy.

I know that Peru fully understands this, and I presume General Kilpatrick has communicated to Chili the views expressed in your instructions to him.

Being thus imperatively cut off from European aid, and practically limited by the act of the United States to the friendly offices of our government only, it would seem that a duty was, by its own act, imposed upon the United States, to render effective and positive aid to the solution of this question.

Valmacida, minister of foreign affairs of Chili, said lately in a speech in their Congress, "that Chili must soon determine for herself whether she should return to her ancient boundaries or extend herself over half the continent."

It is not, in my judgment, for the interest of the United States that there should be any very largely preponderating power in South America, and still less so, if that preponderance shall be acquired, not by regular growth and development, but by violent and military means.

Yet at this very time there is danger of just such preponderance, obtained by just such means, and the only preventive I can see for this evil is the direct and specific action of the United States.

There is danger, even now, that the treaty between Chili and the Argentine Republic may fail of ratification, in which case war between these republics appears inevitable, especially as the Argentines look with great apprehension upon the military and naval development of Chili as a perpetual threat to them.

The Argentine Republic is now ready for war, and if they believe it to be imminent in the near future, they will of course prosecute it, while Chili is embarrassed by Peru and Bolivia.

Thus it is possible that the future peace and good order of South America may hinge upon the determination to be taken by the United States, in reference to the proper conclusion of the Peru-Chilian affair.

It is a noticeable fact that the Chilian Government has asked from their Congress appropriations for an army of 24,000 men, and a full war establishment for their navy, for the coming year, indicating that they propose to continue the state of things which makes such expenditure necessary.

This force is a very heavy one for Chili to keep up, and is sufficient for active war operations, and excessive for what remains to be done in Peru. It is therefore considered by the Argentines to be in the line of a menace to that country.

In the internal affairs of Peru, there is as yet no special development, except that I believe the dissension from Piérola in the interior, and the tendency to support Calderon, to be on the increase.

I was in hopes to have received the message of President Santa Maria, in time for this mail, but it has not come, and as I have no communications from General Kilpatrick, I am quite in the dark, officially, as to the course of events in Santiago, and even as to the fact whether my colleague there is in harmony with my views.

Reports are very current that he is not, but you will of course be advised of his actions and his purposes.

I have, &c.,

S. A. HURLBUT.

No. 358.

Mr. Hurlbut to Mr. Blaine.

No. 16.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 4, 1881. (Received ———.)

SIR: Since the date of my last (No. 15) events have occurred which demand precise statement, and deliberate consideration.

As you are aware, from the correspondence of my predecessor, the dictatorship of Piérola crumbled to pieces after the battles in front of Lima. Piérola himself disappeared. There was no government in fact.

In this emergency, many gentlemen of high standing attempted to reconstruct a constitutional government, and to that end requested of General La Puerta, who was the constitutional Vice-President, overthrown by the Piérola rebellion, that he would resume his lawful power. This he positively refused to do, on account of his inability from ill-health to perform the duties. The situation was peculiarly pressing, because the Chilian military authorities, on occupying the city of Lima, had imposed a pecuniary contribution of one million of soles, in silver, per month, and in accordance with their somewhat peculiar notions, had apportioned this immense sum on certain private citizens, supposed to be wealthy, in fixed amounts charged to each one, with the penalty that if not paid their property in this city should be destroyed and themselves imprisoned.

With such an order hanging over them it became necessary to establish some form of government which might represent them. Prado, the constitutional President had run away from Peru before the Piérola revolution was made and has never returned. La Puerta succeeded as Vice-President, was overthrown by Piérola, and, as I have stated, declined to serve.

Garcia Calderon was chosen to act as provisional President; was permitted to act as such by the Chilian authorities; was assigned a certain neutral zone or space near Magdalena by the Chilian authorities; was allowed to appoint all his ministers and other officers; to publish decrees; to assemble his Congress; to keep an armed force of one thousand men, and generally to perform the functions of government. Negotiations for peace were opened with him by Godoy, on behalf of and by the authority of Chili. He was allowed to borrow money on the faith of Peru, and to issue about eight millions of paper money, out of which he paid a heavy sum in ransom of the city of Lima. He was recognized by foreign nations as the lawful head of the Government of Peru, and as such received official visits, and publicly and openly exercised all the perogatives of sovereignty. This chain of facts constitute recognition by Chili of the Calderon government, fully as effective as if given in terms, and in official communications.

Some four weeks since, Admiral Lynch, the Chilian commander-in-chief, disarmed the Peruvian guard in Magdalena; but in an official communication to Mr. Calderon, as well as in conversation with me, put this act exclusively on a military basis, giving as a reason the actual or probable desertion of the force, which reason I accept, as a proper military precaution.

On the 26th September, without any notice, he seized the treasury, and has it now under guard, and stopped, by military order, the payment of all funds of any kind; appointed Chilian officers to collect certain local revenues accruing to the Calderon authorities, and forbade the Bank of London, Mexico, and South America, in which the Calderon funds were deposited, from paying over.

Having thus seized the means of living, he then, on the 28th September, issued the decree and sent the letter, which I forward translated, and inclosed in translation of letter from Mr. Galvez to me, thereby virtually commanding Calderon to cease his functions, and to surrender all his archives, books, and papers.

Mr. Calderon consulted with me on receipt of this order, and said

very firmly that he should not obey it. Inasmuch as it was very probable that this act of disobedience would be promptly followed by military arrest, I suggested to Mr. Calderon the propriety of making some arrangement by which some legitimate successor could be provided in case he was disabled from acting. To this end the Congress, all of whose members were in Lima, was quietly assembled, and they proceeded to elect Admiral Montèro, now in command in the north of Peru, outside the Chilian lines, as Vice-President, thus continuing the constitutional succession. All of these acts are strictly legal, and not only according to the practice of Peru, but to the tenor of the constitution.

I also received from Mr. Galvez, the secretary for foreign affairs, such books, documents, and correspondence as he considered essential, and shall hold them in this legation.

These precautionary measures having been adopted, Mr. Calderon replied, under date of September 29th, to Admiral Lynch, in a well reasoned and dignified letter, which I also inclose in print, and in Spanish, as I have not yet found time to translate so long a document.

This letter has been sent by Admiral Lynch to his government, and since that time no further action has been taken, and I suppose none will be, until he receives instructions from Santiago.

I send, also in Spanish, the printed copy of Lynch's reply to Calderon's letter of the 29th.

I am not positive as to the real meaning of these extraordinary acts, but am inclined to think that the purpose is to abolish by force all respectable authority in Peru, and especially the one which the United States have recognized.

I find, also, that the British minister here, Sir Spencer St. John, is very frequently closeted with Admiral Lynch, and that their conferences are long.

It is a self-evident proposition that no act of Chili, whether from its civil or military authorities, can in any way operate upon the relations which the United States have maintained, or may choose to maintain with any government in Peru, nor can any military order prevent my treating with Mr. Calderon as representing the sovereignty of Peru.

I doubt whether even the Chilian doctrine, as expounded by Lynch, of the rights of conquerors will go so far as that. Yet, I see in the future no special limits to their possibilities of dictation.

There is a very decided tone of arrogance, both in the press of Chili and among their officers, born I think of their singular success in this war, which may easily become offensive.

The mask which the Chilian Government has worn to cover the real purpose of this war, is now removed, and it is openly avowed that peace will not be permitted, except on condition of cession of territory.

In looking back upon the whole history of events, prior to hostilities and since, I can have no doubt, but that the purpose, end, and aim of this war, declared by Chili against Peru and Bolivia, was in the beginning and is now the forcible acquisition of the nitrate and guano territory, both of Bolivia and Peru.

Everything else is made to bend to this purpose, and there is no reality in any pretense of peace on any other terms.

I shall await the action of the Department, and hope to be informed as early as possible, of such definite resolution as may be taken.

I am, sir, your obedient servant,

S. A. HURLBUT.

[Inclosure 1 in No. 16.—Translation.]

Mr. Galvez to Mr. Hurlbut.

MINISTRY OF FOREIGN AFFAIRS,
Lima, September 28, 1881.

Mr. MINISTER: On this day His Excellency the President has received the note and decree, a copy of which I have the honor to inclose to you.

The measures already taken by the commander of the army of occupation, in first disarming the guard which my government had at Magdalena, and afterwards in placing guards in the offices of the minister of hacienda, and in the public treasury, seizing upon all the funds of the government, gave reason to believe that the purpose of the Chilian Government was to cause all government in Peru to disappear, in order to carry into effect, not only the military occupation of Peru, the territory of the republic, but also the complete domination over the country. To-day, Mr. Minister, this presumption is a reality. The commander of the Chilian forces not only takes the direction of public affairs in Peru, but also suppresses all national government, prohibits the exercise of any act of sovereignty, and even demands, as if my government were a dependency of Chili, the surrender of the archives and documents which may be in its possession.

My government, which owes its existence to the choice of the people of Peru, and has for its rule of conduct respect to the constitution and the laws; my government which, in the presence of this same army of occupation, has quietly exercised its functions, finds itself, to-day, compelled to protest in the most solemn manner against this violent act of the Chilian Government which, I repeat, suppresses all national government, and necessarily prevents all negotiation for peace, and tends directly to absolute dominion over the whole republic.

The internal dissension in Peru will be the pretext under which Chili will insist that there is no government with which to treat, but the undoubted fact is that Chili does not wish that there should be any government in Peru with whom to negotiate, as a step to the destruction of the Peruvian nationality.

In giving to you, sir, the knowledge of such vastly important events, it is with the hope that you will communicate them to your government, so that it may plainly appear before America, and before the world, that my government in no respect admits the pretensions of Chili, and that at all times, under all circumstances, and in whatsoever place it may be found, it represents, and will represent, the supreme authority of Peru, until that nation, sole arbiter of its own purposes, shall decide as may correspond to its dignity and its interests.

I have the honor, Mr. Minister, to subscribe myself, your excellency's most faithful and obedient servant,

M. M. GALVEZ.

His Excellency STEPHEN A. HURLBUT,
Envoy Extraordinaire and Minister
Plenipotentiary of the United States.

[Inclosure 2 in No. 16.]

General Lynch to Señor Calderon.

LIMA, *September* 28, 1881.

Dr. FRANCISCO GARCIA CALDERON:

SIR: I have, on this day, issued a decree, by which I order the suspension of the exercise of all authority, which is not derived from these headquarters, except those municipal authorities actually in existence and allowed to continue for the purpose of collecting local taxes.

I take occasion to send to you, with this, a copy of my decree, the terms of which put an end to the government which, until now, has been in existence by our toleration, and presided over by you, and inasmuch as the documents, archives, and other effects in possession of the functionaries who have served under your orders, do not belong to them, but are public property, I trust that you will take the necessary measures to prevent any disposition of them, and will do me the favor of sending to my office, as soon as possible, a list of all of them.

With sentiments of distinguished consideration and esteem, I subscribe myself, your obedient and faithful servant,

P. LYNCH.

Copy of decree.

LIMA, *September* 28, 1881.

The GENERAL-IN-CHIEF of the Army of the North, Republic of Chili

Inasmuch as I have this day decreed as follows:

Hereafter in such part of the territory of Peru, as is now, or may hereafter be occupied by the forces of the army under my command, no acts of government will be permitted to be done, or exercised by any other functionaries or authorities than those established by these headquarters. The municipal authorities, which at present exist, shall, however, subsist and continue to receive municipal taxation for the purpose of providing for the necessities of local service.

Let this be recorded and report made.

In order, therefore, to give full notice to all persons, let this be published by proclamation, and by notices fixed on the most public places of the city.

P. LYNCH.

No. 359.

Mr. Hurlbut to Mr. Blaine.

No. 19.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 5, 1881, 11 p. m. (Received ———.)

SIR: I have just consummated an agreement made with the Calderon government on the 20th September for the grant to the United States for a naval and coaling station at Chimbote.

The concessions set forth in the protocol are not so strong as I would have liked to obtain, but they are all that the President alone, without the approval of Congress, could give. I look upon it, in the relative position of the two countries, as giving us, should it be accepted by you, a very valuable foothold, which can hereafter be rendered more exclusive in matters of jurisdiction.

There is no question under Peruvian law but that the act of President Calderon is as effective in transferring rights as if he were a regularly elected President, and looking to the future I can see great possibilities in this grant. Chimbote Bay is by far the best on the Pacific coast, and the coal-mines in the interior, to which it is the entrance by way of the railroad under construction, furnish ample supplies, of good quality, of inexhaustible quantity, and at low prices.

The protocol and the approval of the same by President Calderon are inclosed with this dispatch. I have not time to elaborate this question by this mail, but will do so by the next.

I have also, at my own risk, concluded with President Calderon an arrangement by which the unfinished line of railway will be turned over by the government to me, as intermediary or trustee, to transfer the same to an American company, to complete, develope, and operate it. By so doing, it is easy to limit such company in the price to be charged the United States for coal, which ought not in any case exceed $5 per ton, and yet leave a large margin.

The possibilities for such a company are very large, as the country to be developed by the road is singularly rich in mines of metals and in agriculture.

This grant will include the completed and incomplete portions of the road, on which the government has already spent over $9,000,000, and the whole work can be completed now for $10,000,000.

The principal terms will be the payment to the Government of Peru of $1,000,000 in money and the same sum in paid-up stock to clear all

existing incumbrances, for which sums they cede the clear right to construct and operate the road for twenty-five years after it is finished, without rent or liability to account. At the end of that period the Peruvian Government has the option to buy the road by paying the principal of its cost to the company or to lease it for twenty-five years more at 25 per cent. of net profits.

The papers cannot be ready before the next mail, and will contain other rights and privileges which I cannot now enumerate.

I have determined to accept this trust so as to save this very valuable grant from any possible chance of being lost to our country.

In great haste, I am, your obedient servant,

S. A. HURLBUT.

[Inclosure 1 in No. 19.]

PROTOCOL.

On the twentieth day of the month of September, one thousand eight hundred and eighty-one, the undersigned, Stephen A. Hurlbut, envoy extraordinary and minister plenipotentiary of the United States of America, and Manuel Maria Galvez, minister of foreign affairs of Peru, met in the office of the American legation for the purpose of establishing, in the name of their respective governments, an agreement with the object of giving due facilities to the American naval marine on the coast of the Pacific.

The propriety of such an agreement having been recognized by the undersigned, and they having also taken into consideration the stipulations contained in Article XIV (fourteenth) of the treaty of friendship, commerce, and navigation, now existing between the two countries, have agreed upon the following:

First. The Government of Peru concedes to that of the United States of America the right and power to establish a station for coaling in the port and harbor of Chimbote, and all facilities which may be necessary in order that the ships of war and merchant vessels of the United States may be supplied with that article and may station themselves in said port.

Second. The concession above made is not to be considered as exclusive in favor of the Government of the United States, inasmuch as the Government of Peru reserves to itself the right to make analogous concessions to other friendly powers who may solicit the same.

Third. The land which the Government of the United States may acquire for a coaling station, either from the state or from private persons, will remain subject to the general laws which rule in Peru in reference to the ownership of real estate.

Fourth. The concession to which the first article of this protocol relates is of an indefinite duration, and the government of Peru shall have the power to withdraw the same by first giving to that of the United States not less than one year's notice.

In testimony of which the undersigned have signed the above protocol in duplicate, and have attached to both copies their respective seals.

M. M. GÁLVEZ. [SEAL.]
S. A. HURLBUT. [SEAL.]

[Inclosure 2 in No. 19.]

Señor Galvez to Mr. Hurlbut.

[Translation.]

LIMA, *September* 23, 1881.

It is gratifying to me to announce to your excellency that, under to-day's date, his excellency, the Provisional President, has been pleased to issue a decree approving the protocol which I had the honor to sign, with your excellency on the 20th instant, for the purpose of giving certain facilities to the American Navy on the Pacific coast, and that in proper time the necessary orders in the premises will be given by the ministries of marine and of the treasury in order that the stipulations contained in the said protocol-agreement may have due fulfillment.

With sentiments of the most distinguished consideration, I subscribe myself,

Your excellency's faithful and obedient servant,

M. M. GALVEZ.

To his excellency STEPHEN A. HURLBUT, &c.

No. 360.

Mr. Hurlbut to Mr. Blaine.

No. 20.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 13, 1881. (Received November 3.)

SIR: Since the last mail a very important series of events has been inaugurated. On the 5th and 6th of October the troops and people of Arequipa, in the southern military department of Peru, have proclaimed their adhesion to the Calderon government, in which they have already been followed by the forces in Puno, and probably in Cuzco. This region has been Piérola's stronghold, and as it is entirely outside of Chilian military authority, it has been caused by nothing but moral force.

Last night letters were received from Cacères, commanding the military department of the center, promising to do the same thing, and I feel quite sure that Montero, commanding the northern department, and lately elected Vice-President, has by this time announced a similar policy. It now seems quite certain that a very decided majority, at least, of Peru will support the Calderon government. I have done a good deal in a quiet way to bring about this result, for I felt it a point of honor to establish on a basis of popular support this government, recognized as such by the United States, and *not* recognized by England and France.

My diplomatic colleagues, especially the British minister, are quite attentive now, and the latter volunteered the statement to me that he was ready to accompany Mr. Calderon to Arequipa if he went there.

Piérola is believed to be at Ica, a port to the south, and is further believed to be trying to negotiate with the Chilians.

The declarations from Arequipa, especially if followed up elsewhere, are likely to embarrass the Chilian programme. The logic of their proposed suppression of Calderon was that he had no following; and when such following is developed, it would seem logical that they should recognize him.

Unfortunately it will not always do, with these people, to reason on logical bases as to their conduct in the future.

I believe that the authorities in Santiago are themselves disposed to be reasonable, but that the heart of the people is set upon acquisition of territory, and that they fear an overthrow from the military and popular element if they yield this point.

There is a certain degree of awkwardness, and likely to be more, in the position of Calderon. He, as President of Peru, a nation technically at war with Chili, is within the lines of military occupation, and subject to military law.

I incline to think that it is competent for the Chilians to order him outside of their lines, and I rather expect it to be done. In that case, if he should remove to the interior, north or south, it becomes a question whether I shall retain the legation here or follow the government to its new station.

There will be nothing that I could do away from Lima that I could not do here, except the impression that personal intercourse with the President and his ministers might make in maintaining the just influence of the United States.

I take occasion to reiterate my opinion that the opportunity for the United States to settle this war is open. The Argentine Republic has ratified the treaty of boundaries. This gives additional force to the

rule of arbitration and mutual concession, and the good work commenced by the United States for the benefit of Chili ought to be complemented by similar results for the benefit of Peru.

I am as yet entirely without advices from you, either on the general subject of Chili-Peru, or as to the course taken, or to be taken, by the government and its representatives in these countries. This is of course attributable in great measure to the long and fatal illness of President Garfield, but it is quite important that this state of uncertainty should not much longer continue.

The papers for the grant of the Chimbote-Huaraz Railway are not yet complete.

Your obedient servant,

S. A. HURLBUT.

No. 361.

Mr. Hurlbut to Mr. Blaine.

No. 21.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 13, 1881. (Received November 3.)

SIR: I have just received a very brief letter from General Kilpatrick, part of which I transcribe. I fear his situation is dangerous, and he evidently thinks so. In the event of his death, at this particular time, it will be difficult to supply his place as it ought to be supplied.

It is said here by the Chilian authorities that two Chilian commissioners, Altamirano and Novoa, are on their way here. They started to treat with Piérola, but the Arequipa affair throws him overboard, and if they treat at all it must be with Calderon. They will hold to the old claim of territorial cession, and as that cannot be admitted, the conferences will break up, unless arbitration be urged and accepted.

There is no earthly reason why this should not be done, and I believe Santa Maria can save himself from his own people by accepting arbitration.

To suggest this, and to enforce it, we shall need some one at Santiago, and if it should unfortunately happen that General Kilpatrick should die or become disabled the case should be met very promptly.

It is reported to me at this moment, on good authority, that Montèro has declared for Calderon, and I have seen a letter from Cacères, pledging his support whenever necessary. As Cacères's outlying pickets are close to the Chilian lines, and liable to be engaged at any moment, and Calderon within the lines, it is prudent not to be too open in the matter.

Your obedient servant,

S. A. HURLBUT.

[Inclosure in No. 21.]

General Kilpatrick to Mr. Hurlbut.

VILLE DEL MAR, *September* 30, 1881.

MY DEAR GENERAL: * * * * * * I am very ill, and have been for two months. I should not like to die here, and yet I may.

Yours,

KILPATRICK.

362.

Mr. Hitt to Mr. Elmore.

DEPARTMENT OF STATE,
Washington, October 13, 1881.

SIR: The Secretary of State, whose attention I called more especially to your communication of the 11th, stating that you would desire an interview with him in regard to Peruvian affairs, directs me to say to you that he will be glad to meet you at any time that you will call at the State Department in reference to the subject of which you spoke.

I have the honor, &c.,

ROBERT R. HITT,
Assistant Secretary.

No. 363.

Mr. Elmore to Mr. Blaine.

LEGATION OF PERU,
Washington, October 21, 1881. (Received ———.)

SIR: As the South Pacific cable is in the hands of the Chilians, the news from Peru which to-day's Washington and New York papers publish, came by steamer, being twenty-three days on the way.

Of course your excellency has the official version of the last act enacted by Chili in the drama which she has developed with a premeditation rarely equaled in history, and which convinces even the incredulous of what her intentions were. Not only two years and a half ago, when she declared war on Peru, after taking by force a piece of Bolivian territory, rich in nitrate of soda; not only nine years ago when she had her two iron-clads built in England to execute her purposes; not only fifteen years ago, when the Spanish fleet after burning Chili's principal port—Valparaiso—was defeated and driven away from the Pacific by the Peruvian batteries of Callao, filling Chili with rage and jealousy, but her intentions existed years ago, when she saw the wealth of Peru, consisting in the guano and subsequently the nitrate, which excited her envy and greed.

I have the honor to inclose herewith the newspaper correspondent's version and press comments upon the Chilian Admiral Lynch's orders suspending the civil authorities in all places in Peru occupied by the Chilian forces, and seizing the Peruvian treasury and bank of issue (nothing is said purposely about the authority of the provisional government). Allow me only to call your attention to the fact that as the Panama paper (from which most American papers copy) is in the interest of Chili, the remarks are mostly in justification of the Chilian acts, and the innuendoes are directed against Peru and those who have done something in support of her and of justice (inclosures Nos. 1, 2, 3, and 4). Of course it is evident that any introduction of bank-notes for the provisional government, or any alleged facts in connection with it, had absolutely nothing to do with the outrage committed by Admiral Lynch.

The explanation of it, Mr. Secretary, is simply this: Chili meant *from the beginning*, 1st, to take the territory containing Peru's wealth; 2d, to weaken the country in such a way that Peru should be in-

capable of resisting her now or in a *long future.* At the same time Chili counted upon two factors which she *supposed* in her favor: 1st, that all foreign nations were indifferent as to the fate of Peru; 2d, that no foreign nation would take interest in the reconstruction of order and of a constitutional government in Peru. But she counted also upon another factor to help her, namely, the continuance of internal dissention in Peru, which Chili, of course from years back, has always favored. Chili was right, unfortunately, in this *last supposition.* In regard to the two first mentioned, Chili made a grievous mistake, and her surprise on discovering it is the cause of her present rage, as shown by the first act of Chili's new President, Señor Santa Maria, the center of that group of Chilian politicians and financiers who resolved upon the plunder of her neighbors (as Chili wants not the territory itself, but the inexhaustible wealth in it).

Chili's mistake and surprise were caused by the friendly acts of the United States in trying to bring about a peace equally honorable for both belligerents, without detriment to the rights of Chili as the victor.

1st. Chili never believed that the United States would recognize the Calderon government (thinking that the United States would follow the lead of the European powers).

2d. Chili was disappointed when she saw that the recognition of the Calderon government by the United States was *just, because* that government meant to establish constitutional order in Peru, and to negotiate an honorable peace, which would restore to Peru her position among nations.

3d. Chili was displeased when she beheld that the United States had appointed as minister in Lima, a gentleman, General Hurlbut, whose talents, decision of character, and spirit of justice and fair play, were so distinct from Chili's purposes and practices.

4th. Chili was more displeased when she saw the words of conciliation and justice pronounced by the new United States minister in Peru, upon his reception by President Garcia Calderon; they showed a friendly disposition on the part of the United States towards Peru.

5th. Finally, Chili was terribly excited when she, for the first time, perceived that the United States Government would not see with favor the dismemberment of Peru, if Peru has otherwise a means of satisfying the just claims of her victorious enemy.

But, Mr. Secretary, if the United States, for all the historical reasons of the past, and of her inevitable destiny, has not the right to raise her voice on the affairs of this continent, then history would have to be rewritten, and no nation would have the right to take interest in the fortunes of sister nations.

The policy of the United States on this continent is well known, and your excellency's government recognized the government of Señor Garcia Calderon, because it *was a constitutionally organized* government (Mr. Piérola, being, by the tendencies of his life, able to be only a despotic ruler), and because the Calderon government *was and is* the only means of making constitutional government *permanent* in Peru.

The other reason the United States had for recognizing that provisional government was, because it was recognized by the Chilians who were ready to negotiate a peace with it. But, as the Calderon government was forbidden by a law of Congress to cede any Peruvian territory, as the United States recognized it, and as the United States preferred that, if it were possible, peace should be made without loss of territory to Peru, Chili it seems, decided that the existence of the gov-

ernment of Señor Garcia Calderon was *incompatible* with the execution of her plans and purposes.

This, Mr. Secretary, is the explanation of the news just arrived by steamer from Peru, which can only have surprised those who never understood the origin of the war and the real purposes of Chili.

At the same time, allow me to call your excellency's attention to the fact that Admiral Lynch's order does not make mention of the Calderon government as being suppressed, which was easy enough to do, as the material means at its disposal were so small. On this account no news has come by cable during the last twenty-three days of any such event.

Far from that, on the 14th of October, I received a cable message from Señor Rosas, the new Peruvian minister in France, dated Paris, 13th October, communicating a cable message from Señor Galvez, the minister of foreign relations of Peru (dated, no doubt, Lima, 12th October, as the cable is working), announcing the significant fact of the army of the south, Arequipa and Puno having recognized the provisional government of Señor Garcia Calderon.

Thus, the Calderon government was not only gaining popularity; not only had it the moral support of the United States, and other nations who had recognized it; not only was its moral strength increased by the perfectly correct and just appreciation of the iniquity of Señor Piérola's government, but it was gaining material strength, being recognized by the center of political power in Peru, Arequipa, and Puno, and by the very army who previously obeyed Piérola, because it was made to believe by Piérola that a continuation of the war with Chili was possible. For *these very reasons*, however, the Calderon government *did not suit* the purposes of Chili; it was becoming too strong and too respectable; and the consequence was that Peru was on the point of being reconstructed. Chili desires not only a dismembered Peru, but a prostrate and powerless neighbor.

The United States, by their action, have, I am proud and happy to say it, and the Peruvian people highly appreciate it, contributed more than any other nation, or any other circumstance, to give strength and respectability to the government of Señor Garcia Calderon. That government, as far as I know, and as regards its *personnel*, has not ceased to exist. It is the only constitutionally organized government Peru has proclaimed by the law of the constitutionally elected Congress of Peru.

Peru must have a constitutional government, and must have peace. Will the United States, only because Chili wishes to make both impossible in Peru, abandon Peru at this her most critical moment? A word from the United States would stop all lawless action on the part of Chili, and consummate the union of the Peruvian people, which had so successfully and so happily been inaugurated under the auspices of the United States.

In conclusion, as the representative of the legal government which your excellency's government recognizes, and of the orderly and respectable part of the people of the Republic of Peru (the oldest and most interesting country in South America, a nation of historical renown, and worthy of better fortune), I herewith repeat and confirm the sentiments I expressed in my address to the President of the United States, when I had the honor of presenting to him my letter of credence, as regards the influence which, in the opinion of Peru and my government, the United States should exercise on this continent, not only indirectly but directly—for the good of the South American states

and in the interest of the United States, and of free institutions and civilization in general.

When I made that address I had already received the special instructions to which I referred in my letter to your excellency of the 11th instant.

On account of my hope that the ministers of the United States in Peru and Chili might succeed in bringing the belligerents together to negotiate in good faith an honorable peace (not having also had the opportunity of conferring with your excellency), I have not communicated to your excellency these instructions.

Now, however, in view of the selfish, unjust, and heartless policy of the Chilian Government, of which she no longer makes a secret, I solemnly execute the instructions I have received from the President of Peru, and hereby formally request the government of the United States to intervene between Chili and Peru in order to make a treaty of peace between the two republics possible. In view of the extraordinary and exorbitant pretensions of Chili (demanding among other things, not only a war indemnity, but the cession of a part of the Peruvian territory, and the occupation of another part), and in view of the barbarous manner in which Chili conducted the war, and of her iniquitous proceedings and unceasing spoliations since, my government has earnestly arrived at the conclusion that a treaty of peace cannot be signed without the intervention of the United States of America.

I beg your excellency's government to please decide upon the measures most conducive to the end proposed, if, in the judgment of your excellency's government, it is convenient that the United States should bring Chili to a sense of justice, helping my country to reorganize herself, much improved by the sad lessons of adversity, and eternally grateful to her generous and powerful sister, the great, true, and model republic.

I have the honor to inclose some further items of news from Peru, (Nos. 6, 7, 8, and 9), and to renew to your excellency the assurances of my highest and most distinguished consideration.

J. F. ELMORE.

[The inclosures referred to are numerous extracts from newspapers printed in the United States. They are not considered of sufficient importance to submit.]

No. 364.

Mr. Hurlbut to Mr. Blaine.

No. 23.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 26, 1881. (Received ———.)

SIR: The Department of State will no doubt have been advised of the excitement in Chili, over the publication by the newspapers in that country of a copy of a "memoradum" addressed by me to Admiral Lynch, a document which I forwarded to the Department as inclosure to my dispatch No. 8, of the 27th August, 1881.

I do not know by whom the publication of this note was effected. It appeared first in the Chilian newspapers, and I presume was given to the press by the Chilian Government as a basis for the note of Mr. Valmaseda to Mr. Kilpatrick. It seems somewhat singular that although General Kilpatrick has been unable to write to me during all

this time, anything more than a brief note as to his health, that he should yet have been able to answer the communication of Mr. Valmaseda on the very day of its date, and at such very considerable length.

It is not for me to criticise the act of my colleague at Santiago. I sent him a copy of the "memorandum" at the same time that I sent it to the Department.

I have not received from him any copy of the correspondence between him and the Chilian authorities, and my only knowledge of it comes from the publications in Chili and in this city.

If, however, these are to be accepted as correct, there would seem to be a radical difference between General Kilpatrick and myself, which demands the attention of the Department. Neither Mr. Kilpatrick nor the Chilian authorities have as yet attacked by argument the principles of international law laid down in the memorandum; nor do I believe that they can be successfully attacked.

They have chosen to affirm that these utterances contain a threat of active intervention on the part of the United States, which is nowhere asserted in the document. The question of what the United States may think proper to do, is one which can only be resolved by the President, and communicated when so resolved through the Department, and until so informed, it is not competent for General Kilpatrick or for me to limit the United States in any respect. I affirm that, according to my best judgment, the principles laid down in the "Lynch memorandum," are those which do in fact control, and in right ought to control the conduct of the United States; that they are and ought to be the bases of international law on this continent, and that Chili and Peru and all other powers in America, ought to accept and be guided by them. All this, of course, although clearly my opinion and belief, is subject to the revision and final determination of the State Department, and whatever may be the decision, it will be obeyed and faithfully carried out by me, so long as I have the honor to represent the United States in my present capacity. It, however, becomes my duty to represent to the Department the results which, in my judgment, may be expected from their decision.

Upon reaching the Isthmus, on my way down, I encountered in all the newspapers of the South American Republics, an expectation and desire that the United States, as natural head of the republican forms of this continent, should, in some way or other, put an end to this war between Chili and Peru.

I found, on arriving here, the same sentiment and belief, among the Chilians in the form of apprehension, among the Peruvians in that of hope. I found the English and French legations apprehending the same thing, but diligently at work to put all obstacles in the way of its fulfillment. I have been careful never to speak or write of any action whatever, on the part of the United States, but have never hesitated on proper occasion, to state what I believed, and now believe to be our opinions on the questions involved, and have never gone beyond what is set forth in the "Lynch memorandum."

Inasmuch as the United States had recognized Garcia Calderon as the President of Peru, I have done all I could properly do to unite Peru under his authority, and have succeeded in so doing, despite of the influences exercised against such a result by the other legations, notably those of England and France.

To-day no other government has any respectable foothold in Peru,

and Piérola must either run away or fall a victim to mutiny in his own forces.

This dominant influence of the United States in Peru is now a fact, and has been acquired, as I have stated.

It is, in my judgment eminently worth while for the United States to keep this position, not only here but in all America, and their retention of this position depends upon their own action.

If the Government of the United States choose to say the word, this wretched state of things will cease. If they choose to say that the time for peace has arrived, peace will be made.

If they choose to say that the two countries should submit the question of indemnity to arbitration in case they cannot agree, such submission will be had, and the matter end honorably to both countries.

Unless the United States do take such positions, indefinite military occupation of Peru, or so much as the Chilian forces can cover, will be the result; anarchy, violence, plundering by petty war parties will dominate over the country, and the ruin of all foreign investments in the country will follow. If the United States, after denying to these people any application for aid from any European state, shall themselves refuse any help in their desperate situation, it would seem to be almost a breach of national faith. I myself, am a profound believer in the right and duty of the United States to control the political questions of this continent, to the exclusion of any and all European dictation. This belief I understand to be held also by the American people, and to have been asserted by Congress. This I also understand to be the doctrine of the administration which sent to me this place.

The opportunity to put the doctrine into practice is now before us, and as the communication is so slow I state here the probable course of affairs, and ask for instructions.

The two Chilian plenipotentiaries, Altamirano and Novoa, have arrived to-day. They are said to have full powers. They will either recognize the Calderon government or fail to find any with which they can treat. If they do not recognize that government I shall consider such fact evidence that they do not want peace. If they do, and peace negotiations commence, I believe they will drop the word "cession" and substitute "pledge;" that they will demand an enormous indemnity, and to hold the southern provinces as pledge and security for the payment.

Peru will offer thirty to forty millions as indemnity. This will be refused, and then affairs are at a stand. Peru will then offer to submit the question of amount to arbitration. This offer, I think, will be refused.

It seems to me that the opportunity for the United States will be to insist early in the negotiation, and forcibly, that the principle of arbitration shall be accepted and acted on.

The mode of such insistance must, of course, be determined by the Department, but I feel sure that it ought to be done, and done at an early stage, and before Chili commits herself by a refusal to entertain arbitration. I have no doubt of the result if so done. Chili cannot afford to refuse it. Peru asks nothing but an impartial arbiter, and the result will place the United States where they ought to be, as the acknowledged head of the republican system of America.

Yet very prompt action is necessary for this result, of which I hope to be promptly advised by telegraph or otherwise.

I have, &c.,

S. A. HURLBUT.

[Inclosure in No. 23.—Translation.]

Mr. Balmaceda to Mr. Kilpatrick.

MINISTRY OF FOREIGN AFFAIRS,
Santiago, the 8th of October, 1881.

SIR: The newspapers of Valparaiso and of this city have published the memorandum addressed on the 24th of August, by Mr. S. A. Hurlbut, United States minister in Lima, to the commander-in-chief of our army of occupation in that city, Rear-Admiral Lynch.

Mr. Hurlbut's letter, accompanying the memorandum referred to, has not, however, been published; in it the said gentleman began by saying to Admiral Lynch that in the conversation alluded to in the memorandum diplomatic affairs were not discussed (no se trataba de asuntos diplomaticos).

My government has thought it proper to draw attention to the irregularity of this conduct, disregarding the essential part of it, because they feel certain that the sentiments expressed in the memorandum are not the expressions of the wise, noble, and faithful policy observed by the United States with regard to the belligerents of the Pacific.

The strange publicity given to a document of small confidential importance, if we take into account its forms and the circumstances under which it was edited, compels me to address myself to your excellency, in order to obtain an answer that may establish officially the truth and sincerity of the relations so worthily cultivated by our respective governments.

Mr. Hurlbut's address in presenting his credentials to the government of Señor García Calderon, now at an end; the memorandum addressed to Mr. Lynch, in which "diplomatic affairs were not discussed;" his well-known letter against Piérola, before whom Mr. Christiancy had been credited, and whose envoys met in conference in Arica, in the presence and with the full countenance of the representative of the United States; all these facts might produce deplorable disturbances and encourage our enemies uselessly, stimulating fruitless resistance without finally affecting the result of a war that in any event may become sanguinary.

Chili was provoked to war; the property of her citizens was confiscated, and they themselves inhumanly expelled from their homes; her industries were abandoned by thousands who elected to vindicate their rights and honor; enormous sums of money were expended in the maintenance of the war; the priceless blood of her sons was poured out; the enemy was routed and reduced to a radical and absolute impotency. We shall carry on the war so far as may be necessary to compel the vanquished to conclude peace, and in the adjustment of peace, practicing our rights, we shall act so far as may be necessary to obtain due reparation for the evils produced by this war, for the future security of peace, and for the permanent stability of the republic.

We shall exercise fully the primitive right which authorizes us amply to guarantee our own existence, a right confirmed at all times by the practice of European powers and also by the United States, on this continent.

I feel confident that our rights as belligerents will be in the future as much respected by the United States as they have been to this very moment; the conduct of their representatives in Arica and during all the course of the war; their friendly participation in the treaty resolving the boundary controversies with the Argentine Republic; their worthy international traditions, and the respect which as a powerful nation they owe specially to independent and sovereign states; all these circumstances give me a perfect security that the United States will continue to be the officious, may it be said, but always the neutral friends in this protracted struggle sustained by us against our enemies in the Pacific.

Inasmuch as motives strange to my government will have created an uncertain state of things in the public mind, which may be misunderstood and occasion therefore disagreeable emergencies in the difficult circumstances which the state of war creates to the belligerents, I hope to receive from your excellency the assurances which in accordance with your instructions you may give to my government regarding the reciprocal good understanding which exists, and that will be maintained in an invariable manner, between the republics we have the honor to represent.

I have, &c.,

J. M. BALMACEDA.

No. 365.

Mr. Elmore to Mr. Blaine.

LEGATION OF PERU,
Washington, October 27, 1881. (Received ———.)

SIR: As your excellency is aware from our interview this morning, I only received to-day my government's dispatches regarding the order of Admiral Lynch of 28th September, which attempts to suppress, by a stroke of the pen, the government of Señor Calderon in Peru.

I have the honor to inclose herewith a copy of the circular letter on the subject addressed by Señor Galvez, minister of foreign relations for Peru, to the representatives of foreign powers in Peru (inclosure No. 1); also a printed copy of Señor Calderon's lengthy reply to Admiral Lynch (No. 2); also a correspondence and comments of an American paper (No. 3).

Your excellency will observe that the government of Señor Calderon protests against the arbitrary act of the Chilian admiral, and that the President and his cabinet have the firm decision of continuing in their posts, and exercising their functions at all times, under all circumstances, and at any place were they may be.

Your excellency will notice the solid and dignified arguments of Señor Calderon, proving in how many ways the Chilian Government and officials have recognized his government, showing that it has been recognized by various foreign nations, and that it was increasing daily in popularity. To this I repeat what I have previously stated in my letter of 21st instant, that by a cable from Lima of 12th October the army of the south in Arequipa and Puno also have recognized it; and now I add that in an extraordinary session of the Peruvian Congress,held in Lima on 29th September, Admiral Montero (who has been commanding some force and influence in the north of Peru) has been elected Vice-President of Peru), to act in conjunction with Señor Calderon.

I am desirous to be able to send to your excellency a translation of Señor Calderon's admirable letter, and hope to do so shortly. My long letter of 21st October to your excellency, which I confirm, makes it unnecessary for me to trouble your excellency with another long letter at present.

It is proved that it is because Señor Calderon cannot and will not accede to Chili's imperious demand of a cession of Peruvian territory, as a preliminary condition to commencing negotiations of peace, that Chili pretends to destroy his government, which your excellency's government recognized for such noble reasons.

I anxiously await your excellency's judgment upon this iniquitous proceeding of Chili, which tends to make all government impossible in Peru, and renders also the conclusion of a peace impossible; and I await with equal anxiety the reply of your excellency's government to my petition of the intervention of the United States, which will unite the Peruvian people, reconstruct constitutional government in Peru, and re-establish peace in South America.

I hope also to be able to explain to your excellency, verbally, other circumstances in connection with the state of affairs in South America which make the present situation most exceptional and the action of the United States most opportune.

I have the honor to renew to your excellency the assurances of my highest and most distinguished consideration.

J. F. ELMORE.

[Inclosure in Mr. Elmore's note of October 27, 1881. Translation.]

President García Calderon's reply to the letter of Admiral Lynch, Chilian commander-in-chief, communicating his order suspending the exercise of all civil authorities not appointed by the Chilian headquarters.

LIMA, *September* 29, 1881.

Señor PATRICIO LYNCH: Yesterday I received your letter of the same date, in which you inform me that in pursuance of the proclamation, of which you have sent me a copy, you have put an end to my government, and asking me for a statement of the papers, archives, and other effects which the officials who have served under my orders may hold.

If I was not in possession of other facts besides your letter, I would have but few words to say in reply to it, because neither the letter nor the proclamation express the real motive of your order.

But the facts which have developed since the disarmament of my troops at Magdalena; the conferences held toward the settlement of peace between Peru and Chili; the taking possession of the treasury offices under my administration, and the publications, both in the Chilian press and the Lima newspaper La Situacion, explain the motives of your proceedings, and make perfectly clear that as soon as the Government of Chili became convinced that I am not and have never been disposed to sacrifice the territory of Peru in a treaty of peace it began to take measures hostile to me, which have been carried on to the extreme of declaring my government abolished.

So explained, your proclamation has not the character of a simple military measure within the action of martial law, and on this account my reply cannot be short. It is necessary that the serious and momentous measure contained in the proclamation should be analyzed in detail, and for this reason I must occupy your attention for some time.

Although according to the rules of law and custom (which you have hitherto followed yourself, addressing always your letters to my minister of foreign relations), I should never communicate officially with anybody but through the various departments, I wish on this occasion to depart from those rules and myself reply to your letter and deal with the question at issue.

In February of the present year a respectable majority of this capital and Callao, considering that the government of Señor Piérola had come to an end for reasons of domestic politics, to which it is not necessary to refer here, decided to form a new government, which would satisfy the exigencies of the situation, and appointed me the Provisional President of Peru.

Being in possession of this authority, strengthened by the will of the people, I commenced to exercise my functions, and the most important ones which I executed at the inauguration of my government were the following two: The negotiations for the disoccupation by the Chilian forces of the zone within which I was to exercise my functions, and the payment of the war tax levied upon Lima and Callao.

If, on exercising those acts, I had thought that my powers did not derive from the people who have intrusted them to me, but from the Chilian authorities, I would certainly not have agreed to anything nor made engagements of any kind, because I would have had no power to enter into contracts.

But the Chilian plenipotentiaries and the commander-in-chief of the army of occupation treated with me, recognizing the fullness of my powers emanating from the popular will, and for that reason I concluded agreements with them.

And it is in truth impossible to think otherwise, if we take into consideration that, in order to realize the payment of the said war tax, I practiced two of the most important acts of national sovereignty, which are the issue of a loan contracted mostly with foreigners resident in the country and the issue of treasury notes, which are obligations which the Peruvian nation are bound to pay.

The Chilian authorities, by the fact of accepting as a part payment of the war tax the funds proceeding from the loan, and the not less important fact of receiving treasury notes, recognize my authority and my legitimate right to execute those two operations. The Peruvian Government alone, can bind Peru, and only from the Peruvian Government can the Chilian authorities receive titles of Peruvian credit in payment; because I, regarded as a simple citizen of this country, cannot issue documents of credit which shall impose obligations upon the republic.

If this were not so one of two consequences would result; either the Chilian authorities allowed themselves to be deceived by me, by receiving in payment for the tax a paper issued privately and without official value, or, in the belief that I was not the chief executive, gave their consent in order that I might deceive those foreign residents, borrowing money from them and issuing notes without legal value.

The former of these suppositions would do very little honor to the intelligence of Mes-ieurs Vergara and Altimarano, and the latter would constitute them accomplices in a fradulent emission, made by a person without authority to do so. Neither of the

suppositions can be admitted, and hence it must be acknowledged that the Chilians recognized me from the beginning as the legitimate chief executive of Peru.

This recognition has become afterwards (if it were possible) more explicit, because Señor Joaquin Godoy, Chilian plenipotentiary, held conferences with me in regard to peace, which were initiated by him; because you have, after Señor Godoy's departure, informed me, through distinguished officials resident in this capital, that you had asked of your government full powers to treat with me, and because in the official communication addressed by you to Minister Galvez, after the disarmament of my troops at Magdalena, stated that the act was of a purely military nature, did not imply a change in the relations existing with me, and was not intended to interrupt the pending negotiations. It is then evident from the foregoing that I have been regarded by the Chilian authorities as a person fully authorized to conclude a treaty of peace, and as I cannot execute such an act in the capacity of a private citizen of Peru, it is necessary to acknowledge that the Chilian Government has recognized me as the chief of the legitimate Government of Peru.

I am certain that you accept this logical deduction, because otherwise we will be placed in another dilemma, viz, either the public men of Chili have committed the error of believing me to be the chief of the government without being so, or that knowing I was not such, they have resolved to treat with me, provided I was ready to accept terms favorable to Chili.

Out of respect for men who occupy high positions, and the considerations which governments should show each other, I do not accept either of these conclusions; neither do I believe that Chili accepts them, and therefore I repeat that my government is recognized by yours.

This being so, and it being also proved by the foregoing facts and by other facts of public notoriety that my government was established by the popular will and not by order or consent of the Government of Chili, I cannot accept your proclamation, which declares my government abolished as if it were one of the offices under your orders. My authority derives from the people who elected me and from the Peruvian Congress, who has confirmed and extended my powers, and as long as these two authorities do not appoint another to occupy my place, I am and shall continue to be the President of Peru, whatever may be the contingencies to which I may be exposed.

My powers do not, consequently, owe their existence to the toleration of the Chilian authorities, as you state, but they derive from a fountain beyond the control of those authorities. The sovereignty of Peru, which is the source of my powers, is not subject to the authority of Chili, or, to speak more correctly, it has not disappeared by the occupation of a part of the Peruvian territory, nor will it disappear if the whole territory were occupied. The word occupation itself expresses it clearly. On the other hand there would be toleration on the part of the forces who occupy the territory if the establishment of a government in the occupied territory were contrary to martial law. In such a case it could be said with reason that its acts were tolerated (not having then the right to practice any).

Martial law gives to the occupants the right to forbid all acts which may make the occupation insecure, and on this account they may forbid whatever may endanger their safety. In accordance with this rule, established by international law and by the practice of nations, you may oppose my having troops and my practicing all acts of hostility. Acknowledging this right when my troops at Magdalena were disarmed, I protested against that act, not because I have the right to keep an army, but because it violated our pre-existing engagements, and inasmuch as it might imply a rupture of relations with me. But as you declared that that measure was a purely military one, and dictated only by motives of safety, I recognized the force of martial law, and I did not insist on my reclamation. I continue, however, occupying without troops the zone of Magdalena, Miraflores, and Chorillos, and the authorities appointed by me are to this moment at those places, which your troops have not again occupied.

This fact, apparently insignificant, proves that you and I are perfectly in accord as regards the extent of martial law. I understand that I cannot exercise in Lima any function which may have the character of a public act or of an act of force, and I abstain from practicing the same; and you must be convinced that you cannot oppose any acts outside of that sphere, and for the same reason you have not opposed my constituting offices in Lima, transacting business in them, and practicing in general all governmental acts which do not require a public manifestation as an essential requisite for their validity.

According to these principles, you have had no right to take possession of the treasury nor to sequestrate the funds which the government possesses in the Bank of London, and which proceed from loans made by the bank itself; nor to demand the surrender of the other offices under my administration. Those establishments are not of a warlike character, and I myself have no war powers, consequently martial law cannot be invoked for such acts. Martial law is not conquest; martial law does not transfer Peruvian territory to the Chilian Government, and consequently in spite of that

law I can and must exercise my authority, with the limitations indicated; and the offices under my administration should and must continue in operation.

To these considerations must be added the fact that many foreign nations have recognized my government as the legitimate government of Peru; and in virtue of that recognition I have contracted with foreigners residing in this country obligations which I must fulfill. If those countries had believed that my government could disappear by an order from the Chilian authorities, they would have never recognized me. But they have thought that Peru has the right to govern herself, and have established relations with me, and have now the right to require the fulfillment of the contracts entered into with their nationals.

I have, however, stated at the beginning of this letter that my resolution not to cede any Peruvian territory as the basis of the treaty of peace is the cause of the measures taken against me. Even under this supposition it will be easy to show that what is now required of me is not justifiable.

When my election took place, I received the mission to conclude a treaty of peace with Chili; and from that moment I made efforts not only to know the true opinions of the republic as regards the treaty, but also to study the terms proposed at Arica, and to find out if they were or not reasons strong enough to make them advisable. It does not require a great effort to see that the majority, if not the whole of Peru, is opposed to the cession of territory, and this being the fact, the treaty of peace, in which that cession were stipulated, would produce as a result, not only the overthrow of the government who were to sign it, but also the necessity of undertaking another war.

The first of these reasons, which belongs exclusively to the domestic politics of Peru, does not in truth concern the Republic of Chili; but the second reason is of serious import to Chili. To her and to Peru it is of the highest importance that the peace concluded should be such that it shall not be in future altered, and that hostilities be not again renewed; and as this end cannot be attained by accepting a condition of peace which the republic rejects, I ought not and must not sign a treaty in which under the name of peace, I should make a legacy of perpetual wars to my country and to the Republic of Chili.

The example of what passes in Europe cannot be alleged to destroy the force of the preceding consideration. On the contrary the extension of frontiers among the nations of Europe has been from the remotest time, and will continue to be in the future, the cause of formidable wars which destroy millions of men. In spite of the exuberance of population and wealth of the European nations, their large permanent armies are the cause of immense evils, and these are the natural consequence of the wars of frontiers, boundaries and conquest. If this system were to be introduced into America it would produce sooner or later the ruin of the continent. Our republics are not rich in capital or in population, as is proved by the fact that all are in need of immigration, and that the least commotion compels them to raise new loans, and to issue paper money.

If, in consequence of her first war, Chili has been forced to have recourse to the use of paper money, of which she was free, what will happen when she shall be obliged to sustain two or three more wars, or at least to keep up a considerable army to maintain the extension of her frontiers. Listening only to the passions of the hour, some may say that the future which I foresee will never be realized; but only ordinary minds will think so, and neither you nor the statesmen of Chili will agree with such.

Nations never perish; reactions easily operate in them, and frequently their reconstruction is as surprising as their fall had been unexpected.

Convinced as I am of all this, and longing for a lasting peace, I cannot make up my mind to dismember the territory of Peru. I do not wish that my name shall pass to posterity with the stigma of reprobation with which the people of America will brand the man who will legalize among them the fatal system of conquest; a high feeling of American policy guides me in this case, and compels me not to consent to the cession of territory.

I know very well that these ideas will not be agreeable to a considerable portion of the Chilian people, because at all times popular feeling has been intemperate. But I believe at the same time that you and all other Chilian statesmen will think as I do, because I have believed, and now believe that your government will conclude a treaty of peace without exacting territory. I accepted the office I hold, and now continue to hold it, and have not resigned it, because I have the same conviction, which has suffered no change; although, as I have said, I judge the measures taken against me have their origin in my refusal to give up Peruvian territory.

But I have thought also that nobler ideas will make their way hereafter among Chilian statesmen, and then a treaty of peace will be easily made, and we shall be able to conclude it in a way that it will afford us securities in the future. We should be unable to attain this end, if I could not pay to Chili the expenses of the war, but I have the certainty and the means to pay a reasonable indemnity, fixed by commen accord, or by arbitration; and this is another reason which compels me to oppose a cession of territory.

As, therefore, the possibility exists of settling, within a short time, the pending questions, and feeling as I do that no Peruvian will cede a part of the territory of his country as a basis of peace, the prolongation of the existing state of things, or what has been called the indefinite occupation of the Peruvian territory, offers, as all measures of the same nature, the inconvenience of being a defective settlement.

This is neither a state of war nor a state of peace, and causing serious injury to Peru, does also injure Chili. Instead of so anomalous a situation which forces both countries to exhaust their strength, and which will make wider and wider the separation caused by the war, is it not nobler, more grand, and more American to conclude a lasting peace that will secure a tranquil and glorious future to our countries?

These are reasons of such weight that I do not doubt but that they will influence your mind not only not to insist upon the closing of my public offices, but also to decide you to turn over to me those you have taken possession of. But if, as I presume, you act by order of your government, you may at least suspend all subsequent proceedings, transmitting to the Government of Chili the present letter, which I am sure will become the basis of our future understanding.

I am, &c.,

F. GARCIA CALDERON.

No. 366.

Mr. Blaine to Mr. Hurlbut.

[Telegram.]

WASHINGTON, *October* 27, 1881.

HURLBUT, *Minister, Lima:*

Influence of your position must not be used in aid of Credit Industriel, or any other financial or speculative association.

BLAINE.

No. 367.

Mr. Blaine to Mr. Hurlbut.

[Telegram.]

WASHINGTON, *October* 31, 1881.

HURLBUT, *Minister, Lima:*

Continue to recognize Calderon government until otherwise specially instructed.

Acknowledge receipt.

BLAINE.

No. 368.

Mr. Hurlbut to Mr. Blaine.

No. 24.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 31, 1881. (Received November 25.)

SIR: The events which I indicated in my last dispatch (No. 23), in relation to the recognition of the Calderon government by the interior of this country have actually transpired. Montèro, commanding the north of Peru, has formally and officially proclaimed adhesion to this authority, with the hearty assent of the army and people.

Cacères, commanding the center, has undoubtedly followed, but official notice has not yet been received. The southern department, headquarters at Arequipa, led off in this peaceful revolution on the 8th day of October. Thus the fact which I deemed of primary consequence, the unity of Peru under a constitutional head, has been attained, and it has been attained in deference to the wishes of the United States, and in distinct opposition to the European legations, as well as to the pretensions of Chili.

Not a drop of blood has been shed, not a life lost in obtaining this result. Whatever may be the final settlement of affairs with Chili, I feel that this consolidation of public sentiment in Peru is a successful issue of one object of my mission here.

It is a matter of very deep regret to me that Mr. Kilpatrick has not been able to bring any influence to bear upon the Chilian administration at Santiago in favor of the recognition and support by Chili of the Calderon government.

I understand, by certain paragraphs in his "instructions," that through Mr. Osborn the United States had received substantial assurances from Chili of favorable action by that republic toward the Calderon government, and that Mr. Kilpatrick was directed, on proper occasion, to strengthen and confirm such purposes.

Unfortunately my colleague has not written me a single dispatch, and I can only guess at his actions from events. The process of military suppression of the Calderon government by Chili has been given you heretofore, and in Mr. Valmaseda's note to Mr. Kilpatrick of 8th October he evidently chose to consider this Calderon government as utterly dissipated, for he uses the term "*ya fenecido*" (already dead) as descriptive of its condition.

It has seemed to me that the whole conduct of Chili in this matter has been in bad faith.

Having given the pledge referred to to Mr. Osborn, they have violated it without excuse. I find their reason for so doing in the known fact that they could not obtain from Calderon a pledge of cession of territory, and therefore determined to destroy his authority. In this they have signally failed, and have in fact contributed to his present popularity in Peru. The commissioners, Altamirano and Novoa, have been in this city some six days. As yet, no approach has been made toward negotiation. I learn from various sources, of different degrees of credit, that they are considering the propriety of indefinite armed occupation, the establishment of Chilian civil service, and the consequent reduction of Peru to a Chilian province. This is undoubtedly what they would prefer. Their principal fear seems to be that Chili has not population enough to overrun and hold Peru. The idea next in favor is to demand cession of Tarapacá, Tacna, and Arica as condition precedent to consideration of peace, and as a *sine qua non* of entertaining any negotiations. They say that public opinion in Chili is united and resolute to keep these territories at all hazard, and that a failure so to do would overthrow their government.

It is probable that within ten days one or other of these propositions will be decided upon. At present they utterly ignore Calderon and his government, and I am of opinion that they will soon command him to leave their lines. This, of course, they have the right to do, and he is ready to go when they say so, and I should not be surprised in that case, if they should interfere with the legations established here, or at least with those which recognize Calderon.

The straightforward and manly course for them would be to acknowl-

edge the known fact of Calderon's lawful Presidency, sustained by an overwhelming popular sentiment, and frankly to open negotiations with him on the subject of peace on terms of equality. But for the very reason that this course would be manly and straightforward, I judge that it will not be adopted. On the contrary, I have full reason to believe that they are now secretly treating with agents of Piérola.

I have already several times presented the apparent impossibility that Peru can receive the least courtesy, to say nothing of justice, in this controversy so long as she stands alone, and I continue to wait with patience the action and decision of the Executive at home.

There are many insolences in the official Chilian paper in this city, the only one allowed to be published, and there have been wrongs done to American citizens which for the present I do not forward to you, in the hope, though I fear a vain one, that the military authorities may correct these abuses.

As to the articles in the press I take no notice, but the others are more serious, and if not soon properly adjusted I shall be compelled to send them forward for your consideration. The situation is not pleasant, and requires of me an unusual forbearance, and a careful consideration of such steps as I may find necessary to maintain the rights of our citizens.

I *have*, &c.,

S. A. HURLBUT.

No. 369.

Mr. Hurlbut to Mr. Blaine.

[Extract.]

No. 25.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 2, 1881. (Received November 25.)

SIR: I was surprised by receiving, on the 31st ultimo, a telegram from you dated 29th, which, when deciphered, read as follows:

Influence of your position must not be used in aid of Credit Industriel or any other financial or speculating association.

To this I immediately answered.

It has not been; it will not be.

I do not know the reasons why such a warning should be sent me. I have, of course, known that the "Credit Industriel" had made arrangements with the Peruvian Government to furnish them the funds wherewith to pay the money indemnity, which might be demanded. But the whole matter of that contract, of which I never knew the particulars, was concluded long before I arrived in Lima, in fact, as I am informed, before I was appointed to this place. To set the matter absolutely at rest, I inclose herewith a correspondence had this day with President Calderon, by which it appears that the last action taken was in the month of March last.

I have looked upon the matter of these money arrangements between this corporation and the Peruvian Government, as a matter exclusively Peruvian, and not in the most remote degree connected with this legation.

Mr. Jacob R. Shipherd, who claims to represent the Cochet claim, has written very peculiar letters to Mr. * * * in reference to that

claim, and in his last letter complains somewhat indecently of the little interest I appear to take in the supposed claim or syndicate over which he claimed to preside.

From what Mr. * * * tells me of the contents of his last letter, it is possible that he or his allies have something to do with this charge as to the Credit Industriel.

I wrote to the Department, in my No. 12, my opinions upon the Cochet claim, on which Mr. Shipherd and his associates rely. I have also written in reply to Mr. Shipherd's letters giving him my views of his case so far as I know its merits. I have pointed out to him the utter defect of proof as to three positions, each vital.

The whole colossal speculation rests upon assumptions, not evidence. Thus, first, it is not true in fact that Cochet discovered either guano or its uses as a fertilizer. As such it has been known and used for hundreds of years, far back into the time of the Incas.

Second. It is not true that Peru ever recognized him in any such capacity.

Third. It is not true in fact that his rights, whatever they were, descended to his illegitimate son, under whom these parties claim, or at any event that any record of legitimation has thus far been produced.

I presented these defects to Mr. Shipherd, who does not like my criticism, and writes to Mr. * * * that he can get on quite well without me, as he has the whole government and all their friends on his side and pledged to his scheme.

I am very glad to be relieved, for he has overwhelmed me with voluminous matter, so strangely written, and with such singular assumptions, that I am inclined to doubt his sanity or his truthfulness.

I would be pleased to believe in his notions, and to feel certain that American citizens had a just claim to a thousand millions, but, unfortunately, I have no evidence in favor, and very much against. Inasmuch as he has relieved me of the affair, I have concluded to send you a very considerable portion of his correspondence, so that you may judge of the character of the statements I am called upon to believe.

In the short letter, the first of the series, dated June 2, 1881, you will perceive the modest proposition of a share in the enterprise. I request that he will show to you any and all letters received from me. Let it suffice for me now to say, that I never have proposed, nor do I now propose, to aid officially or otherwise any project having any relation to the money affairs of Peru, from any source, American or foreign, unless I am instructed so to do. I shall use my best endeavors to restore good government in Peru and to bring about a peace, but shall leave that republic free, as I have hitherto done, to negotiate as she pleases for the ransom of her national life.

I send the Shipherd papers herewith, to be read if you choose to take the trouble, and to be retained in the Department, as possibly they may be necessary for me to keep.

I have, &c.,

S. A. HURLBUT.

[Inclosure 1 in No. 25.]

Mr. Hurlbut to President Calderon.

UNITED STATES LEGATION,
Lima, Peru, November 2, 1881.

Will you do me the favor of giving me the actual date of the conclusion of the contract between your government and the Société du Crédit Industriel, for the information of my government.

I have the honor, &c.,

S. A. HURLBUT.

His Excellency F. GARCIA CALDERON,
President, &c., &c.

[Inclosure 2 in No. 25.—Translation.]

Mr. Calderon to Mr. Hurlbut.

LIMA, *November* 2, 1881.

S. A. HURLBUT, Esq., *&c., &c.:*

MY DEAR SIR, AND DISTINGUISHED FRIEND: I have to state for your information, in reply to your note of to-day, that the contract between this Government of Peru and the Société du Crédit Industriél, was signed in Paris on the 7th of January, 1880, and was modified by the government over which I preside in the month of March, in the present year, 1881. This is all that has occurred in relation to this matter.

I repeat to you the assurance of my most distinguished consideration, subscribing myself your true friend and obedient servant,

F. GARCIA CALDERON.

[Inclosure 3 in No. 25.]

Mr. Shipherd to Mr. Hurlbut.

LAW OFFICE OF JACOB R. SHIPHERD,
10 *Spruce street, New York, June* 2, 1881.

DEAR SIR: Of course we shall be glad to have yourself—so far as it may be entirely proper—and your personal friends interested with us, and I will reserve say $250,000 of the pool stock subject to your advice.

Terms of payment can suit individual convenience.

Very respectfully,

JACOB R. SHIPHERD.

Hon. S. A. HURLBUT,
Belvidere, Ill.

[Inclosure 4 in No. 25.]

Mr. Shipherd to Mr. Hurlbut.

NEW YORK,
10 *Spruce street, June* 2, 1881.

DEAR SIR: I have recently written to my trusted friend and former counsel, * * * inclosing him our pamphlet and asking his advice concerning the distribution of the Chicago allotment of stock. He is of the well-known * * family of the * * * National Bank, and is the counsel of the bank. He can give you accurate and ample information concerning me personally and my business record, and I shall be glad to have you question him as freely as you may desire.

Our special relations were terminated several years ago, and he ought to speak impartially now.

Yours truly,

JACOB R. SHIPHERD.

General HURLBUT.

[Inclosure 5 in No. 25.]

Mr. Shipherd to Mr. Hurlbut.

NEW YORK,
10 *Spruce street, June* 2, 1881.

DEAR SIR: Our interview, on the 30th ultimo, while satisfactory in general terms, did not include so full a discussion of certain specifications as might have been had, and I supplement it on my side with a few observations upon which I shall be glad to hear your comment.

First. At the foundation of the whole business lies, in our judgment, the exceptional equity of this claim.

It was the European culture of this French chemist that did infinitely more than merely point out heaps of guano not previously localized. For one hundred and fifty years the descendants of Spanish freebooters and cloddish natives had looked upon all these heaps and seen nothing. The value in them would have remained unknown for one hundred and fifty years more if some such scientist as Cochet had not come from the outer world to find it and point it out, and to compel, by persistent demonstration the perception of its true character. If an angel from heaven had been sent with a revelation, the boon could not have been greater or more exceptional. It was to Peru at once a new creation and an outright gift.

Second. The absoluteness of the present right must not be vaguely considered.

The definition suggested in my draught of points for an agreement is not original, but is borrowed from the comment of * * * when this claim was brought to his * * notice.

When Cochet discovered guano he became, under the law, the immediate and absolute owner of one-third of all the guano in Peru, and no act or undertaking of the Peruvian people alone, thereafter, could divest him of that title. At his option and that of his representatives it may either be claimed that his right was to one-third of each separate deposit, or was such that more than two-thirds of the total having been already removed, his right is absolute to every ounce now remaining. Whichever way the claim is put, the right to seize and hold what now remains must be admitted to be sole, supreme, and indisputable.

Third. Against a right so lawful, so equitable, so absolute, no defense can be admissible. If Peru is poor it is not Cochet's fault. He has already given her $1,200,000,000, which she has chosen to squander. If her bondholders have relied on guano that was Cochet's and not Peru's, that is merely a case of mistake in title. If Chili has exhausted herself in the endeavor to humble Peruvian pride, such exhaustion discloses no reason why Cochet should pay her bills. The fact that Cochet, as discoverer, was entitled to one-third, and the declaration that he was discoverer were facts published to all the world by Peru herself, and of facts so important and thus published all the world was bound to take notice. No whine of hardship can be listened to now.

Fourth. What consideration may have passed between successive owners of this claim in the chain, is, of course, immaterial also, provided they have been legal considerations. To the owners for whom the United States Government will speak, if it speaks at all, the cost will not be less than $100,000,000, and that is enough. If earlier sales were for smaller sums, it was only because Peru had denied justice until all hopes of justice had expired. The judicial view is the only just view.

Fifth. The owners of this claim have no other forum than the international, and in that they see only their own government sitting to judge. The President and his constitutional advisers will hear the cause and decree the justice so long denied by the debtor, and will easily enough enforce whatever they decree.

Sixth. To simplify the situation by removing all issue, we propose the agreement with Peru. If she were strong she would, of course, resist, and make another Landreau record to blister the pages of history, but—

"When the devil was sick
The devil a monk would be."

And at the moment when the choice must lie between Chilian robbery and the comfortable payment of an admitted debt, even Peru may choose to pay. It is certain that we can make her choose it with eagerness, and so choose it now that she cannot hereafter repudiate. *This is probably the first hour since Cochet's rights came into being when they could practically be enforced.*

Seventh. If Peru solemnly confesses judgment in the premises she confesses it under her own law of priority, *a law made expressly for foreign creditors of the State*, and published as such, and the international forum which may undertake to enforce this claim cannot choose but stand on that law. If, then, the only defendant is estopped and concluded, can third parties be allowed to intervene to defeat the plaintiff's admitted and adjudged rights?

Eighth. As to Chili, certainly she cannot, even by absorbing Peru, acquire any *greater* rights than Peru. What title has she then to consideration? * * * Comment upon this point was: "If Chili attempts to resist Cochet's demand for his own, she does but make herself immediately and directly liable for the whole debt, as for a tortious detention."

Ninth. Thus far, and primarily of the absolute right.

If the foregoing suggestions are within the facts, it results:

1. That the United States Government has now the clear right as against Peru, Chili, and all the world to intervene peremptorily to adjust all questions now pending at Lima.

2. That it is its duty so to intervene, because it alone can decree and enforce justice in the premises.

Tenth. There remain then, as always, the no less important questions of expediency and detail, and concerning these it is not necessary to speak at the moment with entire confidence in detail, because advantage may be taken and concessions must be made in the face of the facts which will change from day to day. Expediency is, after all, in sound diplomacy, only another name for exact justice—the justice due at the moment to all the interests involved—and it would be premature to decree finally before all the parties have been finally heard. Certain general rules and certain stable facts, however, may be safely considered in advance. Thus:

First. Nothing in the present situation need delay a general notification to all concerned that the United States must deem any arrangement to which it is not a controlling party provisional only, and subject to revision at the pleasure of the United States.

Second. The supremacy of the United States in the premises being first acknowledged, concession in detail may be promised—subject to the limitations of equity.

Third. The intervention of the United States, if based exclusively upon the property, rights of its citizens, involves no chance of political complications present or future, and must command the unqualified respect of all governments.

Fourth. No opportunity for an intervention so safe, so important, and so influential, perhaps, has heretofore occurred in our history, and no administration so favorably situated for moving in like premises has heretofore existed.

You will, I think, agree with me also that no President, within the memory of men now living, has sat at the head of the government less likely to neglect his official duty on the one hand, or to give way to mere zeal on the other.

Fifth. No need exists to furnish American money to either Chili or Peru. English and French merchants and bankers are already preparing to make large advances against guano and nitrate to be consigned. American merchants and bankers would gladly enough do likewise if only permitted.

If it is expedient to buy Chili off with $10,000,000, $20,000,000, or any other sum, there will not be the slightest difficulty in arranging the advances from either New York, Paris, or London, upon a purely customary commercial basis. As recently as last January $5,000,000 were placed in a bank in this city by a few American capitalists to be advanced to Peru in the midst of the war against no better security than President Piérola's agreement to consign guano, and this money was only withdrawn when the owners of Cochet's claim exhibited it and gave notice that they would attach every cargo that should arrive.

Sixth. If English, French, and American merchants are content to advance upon Peruvian and Chilian promises, it needs no saying how much more readily and liberally they would advance upon contracts with the Peruvian company, backed by the United States Government. Money would be thrust upon us in excess of all possible uses.

The third topic is that which concerns the *personnel* of the Peruvian company, and as I intimated to you the utmost frankness is recognized to be the government's due.

First. The claim was first purchased of Cochet's sole heir by an American merchant long resident at Lima, who discovered it very much as Cochet discovered guano, and who is entitled to like credit and reward, however liberal.

He sold interests to friends in the United States, who now unite with him in conveying to my clients. These clients, at the proper time, will cause such conveyance to be made for their account directly to the Peruvian company.

Second. One of the most valuable charters ever created in this country has been secured, and the transfer to my clients will probably be made within twenty days.

Third. My clients are not so well known that their names could be of special service, and for this reason they prefer to remain temporarily anonymous. Their identity will appear in due course.

Fourth. I have been intrusted with ample discretion in the matter of organization, and my only instructions are:

1. To make the executive worthy of the interest involved.

2. To make it absolutely satisfactory to the Executive of the United States.

These instructions will control me.

Fifth. You will perceive at once how easy my task is. I have no stock to float. I have no popular interest to awaken. I have, practically, no money to raise, and, especially, I have no bonds to market. I have only to seek the counsel of the wisest statesmen and financiers of the country and to avail myself of the definitive suggestions of * * * and under such advice to bring together, perhaps, one hundred stockholders, who shall choose from their own number a body of trustees and executive officers competent to administer the guano deposits and the nitrate beds upon an ordinary commercial basis, and out of the proceeds of sales to provide for all the creditors of Peru and the Peruvian Government itself, if necessary.

Sixth. Whether I am not myself overtasked by this trust the event alone can determine. What the probabilities are those who know my record can, perhaps, advise. If I am directly questioned, I may answer briefly that for twenty years I have been a successful organizer under conditions never so favorable as these. In the midst of the war I organized and administered the Freedmen's Aid Work in the Northwest and Southwest, covering fifteen States, and then consolidated the dozen organizations of the country into one, and administered the whole. When banking at Chicago and New York, I introduced western town and county bonds to an eastern market and made them popular by millions where they had been unknown or only distrusted. In 1871 I established at Frankfort-on-the-Main—then the investment center of Europe—the first American banking house opened there, and upon a then declining market sold $20,000,000 of new American railway securities in a few months.

Seventh. Among the representative gentlemen with whom I am already or shall soon be in confidential negotiation in the premises, I may name such as these [here follows a list of forty-five names of persons or firms which are here omitted], and out of a list not less select and representative the organization will be exclusively made.

As I intimated to you, with a view to nationalizing the corporation, stock will be allotted to select lists of the leading capitalists in Boston, Hartford, Philadelphia, Baltimore, Cleveland, Cincinnati, Chicago, and St. Louis; such lists to be made under expert local advice, and each city to be represented in the direction; the board of trustees to consist of, say, 21 members.

The very best executive and administrative talent will be employed, both in New York and in Peru, and such relations with the governments of all the countries interested will be cultivated as shall tend above all else to unqualified confidence and respect.

Eighth. The controlling sentiment of the present proprietors is wholly in accord with all the suggestions you made. While taking advantage of the present opportunity to enforce the definitive recognition of an equitable indebtedness, every movement of the creditors after such recognition should be helpful and friendly, and only so; and so far from taking any advantage of the inferior legal status of other creditors, we are ready to deal more than liberally with every one. There is enough for all if there is a proper administration, and it is precisely a *proper administration* we undertake to provide.

There is no occasion therefore for any competition in the English or French syndicates of merchants or bondholders. We must consign guano and niter to England, and we may as well consign to Anthony Gibbs & Co., as to any other house. We must consign also to the Continent, and if Dreyfuss & Co. will make fair terms, we may as well consign to them as to others. These concessions not only make these important interests our allies, but render immediately available as our own money, all the advances these strong houses already propose to make, and whatever other advances can be used to advantage our New York consignees will provide instantly.

There is absolutely nothing to be done which will not do itself the moment the Washington government gives notice of its right to supremacy.

As this note concerns itself with explanations which I should be glad to have reach the President at an early day, I rely upon your permission to forward him a copy at once.

I shall be particularly obliged if you will use the utmost frankness in such comments and suggestions as may occur to you; above all else we desire to avoid mistakes, and not less to *do* well than to mean well.

I am, sir, your obedient servant,

JACOB R. SHIPHERD.

The Hon. S. A. HURLBUT,
United States Minister to Peru, Belvidere, Ill.

[Inclosure in No. 25.]

Mr. Shipherd to Mr. Hurlbut.

Personal.] AUGUST 19, 1881.

MY DEAR SIR: When the gentleman to whom the inclosed letter is addressed calls for it, please deliver to him with the letter all the printed inclosures except the one upon which I have written your own name. He is represented to me to be a person of

exceptional influence, intimately in the confidence of President Calderon. The letter concerns the documents, and the whole are expected to reach at once the Peruvian executive.

The progress in our case since your departure I will briefly outline.

By arrangement with the attorneys of the Landreau claim, we treat the two interests for present diplomatic purposes as one to a certain extent. The owners of the Cochet interest will, at the proper time, absorb the junior lien so as to protect the equities of the interests involved.

Among the present active attorneys of the Cochet interest are * * * (who has prepared a conclusive brief in support of all our demands), * * * who will probably be * * * colleague next year; * * * and others will be added in due course; and from these names you will safely draw your own inferences.

Not only have none of my expectations been disappointed so far—they have, as a whole, been far exceeded, and the horizon still widens.

You are concerned principally to know how we stand at * * * and I will enter first upon that topic.

After a preliminary conference between * * * and * * * I was telegraphed for, and I went on to Washington. * * * called for me, and we went, upon invitation, directly to * * * residence, where a most cordial greeting awaited us. The evening was occupied until near midnight and the next forenoon as well. All the phases of the two claims were carefully discussed, and from first to last, upon the unqualified postulate that the United States must protect fully all equitable rights of American citizens wherever vested.

At the close I was asked to state my immediate wishes, and replied, substantially, as follows:

"It seems to me that Landreau's claim must be deemed adjudicated by Congress and enforced accordingly.

"The final proofs in the Cochet case are not yet quite in technical form, and until they are no technical examination of the case can be made by the Department. Moreover, as to Cochet's interests, we have as yet no grievance to report, and may never have any."

[Before you will clearly understand the points next made you will need to read the inclosed pamphlet, upon which I have written your name, a translated reprint from the original Spanish copy in our possession.]

I continued:

"There is no evidence that any issue was ever raised by Cochet not shown in his pamphlet, and by that it appears that he raised two only—the one involving his right to be declared the true discoverer of guano, and the other concerning a special discovery in the treatment of nitrate bases. Of these the first was overwhelmingly adjudged in his favor, and upon that adjudication our case now rests; with the other, which remains undecided, we have no concern.

"If Cochet was the discoverer of guano, his discovery, as * * * observed, vested in him the title to one-third of all the guano in Peru, and he may, at his option, claim one-third of each heap, or any other equitable one-third of the total. This is not a claim, but a title as distinguished from a claim, and what descended to his lien, of whom we buy, was *property ipso facto*. For this property no demand has been denied, and presumably none will be. If, when the demand is made by legal and equitable American owners, a refusal follows, then, and not till then, will a conversion accrue, and then, and not till then, will an original wrong be committed; and this original wrong will be committed directly upon American citizens, whom it will then be the clear duty of their government to install in their property.

"But this is not quite all. It is notorious that Chili, Peru, and certain creditors of Peru, are at the very point of apportioning among themselves not only the guano, which is absolutely our property, but the only other available asset of Peru, the nitrate, also. If such appropriation were allowed, irreparable mischief might result.

"I therefore ask a preliminary injunction forbidding all progress in the direction of any such apportionment until the Landreau claim and the Cochet title are first properly recognized and provided for—the former paid as *res adjudicata*, and the latter allowed or fairly disproved."

The Secretary instantly responded, "That you will get, and I will make it my first business."

On the 2d instant, very soon after, by direction of the Secretary, I was advised that the identical instructions suggested had that day been sent you both by cable and by post, and that I might rely upon the *status quo* accordingly.

The inclosed letter to * * * is from an eminent friend of Peru, intimately known in executive circles alike at Lima and at Santiago, and, I believe, also at La Paz. He looks upon our overture as the great, the magnificent opportunity of Peru to retrieve all her sad past; and that you may well understand his view of the case, I have gained permission to add to these inclosures a (English) copy of the more important parts of his dispatch—these of course for your eye only.

I ought, perhaps, to use informal frankness concerning * * * , Mr. Calderon's confidential agent here. His principal attention has been openly devoted to forwarding the views of a French syndicate, of which Dreyfuss is the head, and a malodorous Cuban by the name of Suarez (he went out in the steamer with you, I am told) is the ostensible agent. The association (and I do not get this at second-hand) has materially lessened * * * influence in Washington, and as Dreyfuss is synonymous with Piérola, you will need no farther hint.

You perceive then that our programme, as approved, unqualifiedly by * * * is:

1. Unqualified demand for payment of the Landreau claim.
2. Proper attention to the demand about to be made for Cochet's property.
3. Peremptory stay of all negotiations touching the cession of guano, or nitrate, or territory, pending final adjustment of these American interests.

I rely upon your good opinion of us to spare us the need of saying what once for all I beg you to understand, that we address ourselves to you as minister only, and neither ask nor wish you to take any attitude toward these claims other than such as your official instructions shall authorize and require. We do confide in your patriotism and love of fair dealing to push with exceptional vigor if necessary and to their full logical limit the decisive instructions received, and to leave no government and no citizen in doubt that the United States is in dead earnest in the premises, and such vigor you may be sure, will be as distinctly and as gratefully appreciated by our company as by the Washington Government.

All that need be said under this head is summed up in the assurance that we address ourselves to you in exactly the same manner in which we are welcomed by * * * himself; we supply to you the identical information supplied to him, and shall be more than content if you as heartily stand for us at the front as he stands for us at headquarters.

If you will be so good as to advise me of the safe receipt of this, and the delivery of the inclosures to * * * please see that they are placed only in his own hand, and will favor me with such suggestions as may occur to you, the courtesy will be duly appreciated.

I remain, dear sir, very truly, yours,

JACOB R. SHIPHERD.

[Inclosure in No. —]

Endorsement: * * * *to* * * * * *sent me by Mr. Shipherd.*

Private copy.]

NEW YORK, *August* 20, 1881.

MY DEAR FRIEND: On presenting the inclosed note to his excellency the American minister, you will receive a set of four printed documents, two of them bound pamphlets. These, as you will see, are all private and confidential copies of papers, inaccessible to the public. I have been fortunate enough to obtain them, and to procure them to be sent for entire safety under seal to the American legation.

These papers hold the key to the one happy solution of all the troubles of Peru which yet remains possible, and I count myself the happiest of men that it is my privilege to place them within the reach of the Peruvian executive.

If the scheme now offered had been made in heaven and let down by angels, as was the sheet sent down to Saint Peter, it could not have more perfectly provided for all the present woes of unhappy Peru.

After carefully examining it and adding to what you find printed, the facts which I shall state in this letter, all of which came to me directly and officially from original sources and may be implicitly relied on, you will see what an opportunity pitiful heaven has at last sent.

These are the leading historical facts:

1. Cochet was the true and first and sole discoverer of the merchantable value of guano. But for him those vast heaps, more precious than all the gold and silver in the Cordilleras, might have lain dead and neglected to this day.

The sole intent of the decree of 1833 was to encourage persons to discover to the state sources of wealth within itself, unknown before; all other discoveries combined made since that day have not brought to the republic one-fourth the fresh wealth which has come through Cochet; if he be not entitled to the one-third then should no merit ever find reward. The whole civilized world with one voice will declare this.

2. Happily, indeed, his right has not only never been denied by Peru, but has always been admitted, and was solemnly adjudicated by the government in the report of the commissioners of premiums, as printed on page 13 of the pamphlet I send you, entitled "Truth Demonstrated and Calumny Defeated." See, also, the references upon page 43 of the Prospectus of the Peruvian Company.

It is only necessary, therefore, in order to make perfect use of the present opportunity, that the executive should be true to itself and to its own existing record, and recognize facts which it is impossible for any one to deny. The way is easy, plain, and most honorable.

3. The only dispute Cochet ever had with the government, as shown by his own pamphlet, was over his *nitrate* discovery, which seems not to have been appreciated, and which is no longer a living question. If an agreement as to the nitrate process could have been reached, he would immediately have received not only the *prize* awarded him as the discoverer of guano, but necessarily also, his one-third in full and in due course. Unhappily for himself, most happily now for Peru, he would yield nothing, and returned to France and died a pauper.

4. This stubbornness of the great discoverer, and the fact that his only heir, a natural son, Gelacio, born in Lima, was a mere child, and ignorant of his rights till an American brought them to his knowledge less than three years ago, explain in a moment how Providence held all the conditions silent for a generation to open them at this critical moment for Peru's salvation.

5. You will again note the special interposition of Providence. Although this great right has lain still so long, nothing of its vitality has been lost. Cochet was solemnly adjudged to be "the true discoverer," and thereupon, if not even earlier, he became, in the language of * * * , the first lawyer in the United States,—"Cochet became immediately the owner in fee absolute of one-third of all the guano in Peru, *known* and *unknown*, for being the discoverer of its *value* his right was inseparable from the thing wherever found, and that ownership could never be extinguished or limited, save by his own act."

6. This *ownership*, which, as you see, is no mere *claim*, but an adjudicated and undisputed title, had no value to the helpless heir—ignorant and penniless and unknown. American capitalists purchased it, however, and are now the owners of every pound of guano left in Peru, and of the money value of so much as has been sold in excess of the two-thirds belonging to the republic.

Their purchase is as valid as if they had bought land and buildings, and their government has, of course, the right and the duty to see them protected, and you may be sure it will thoroughly perform that duty and unhesitatingly exercise that right.

7. No demand has yet been made upon the Peruvian Government for the possession of this guano, but such a demand will be made in a few weeks by a commissioner to be sent out.

If the executive shall accede to the demand and freely consent that the owners of this great property may take it at once without the hinderance of Peru, then these owners must demand it of the Chilians, and if the Chilians detain it for an hour they will make themselves liable instantly for a tortious conversion, and you may be sure the Washington Government will make short work with them. Upon this point the owners of this great interest have long ago received the most sweeping assurances directly from the American Executive.

8. Now we may close the circuit. To consent that this American corporation shall take as a right the identical guano and nitrate which otherwise Chili will take anyhow, is all that is necessary to relieve Peru instantly and permanently by taking shelter under the broad wing of the United States and compelling Chili to settle all the rest with the United States.

9. If Peru—I do not admit the possibility—should refuse to deliver the guano demanded, and to pay at once the value of so much as is missing, then this refusal would be an original denial of justice directly to American citizens, and their government would then enforce their right against Peru herself, and sad indeed would be her condition then.

10. As to the Landreau claim, it, as you see, has been fully adjudicated by the American Congress, and the American minister at Lima has been peremptorily instructed to give notice that it can no longer be discussed, but must be paid.

11. The scheme of the conservative owners of Cochet's rights is, as you will see by the proposed treaty, the substitution of an insolvent assignment to creditors for the cruel humiliations of war.

The Cochet title has unquestionable priority, and, besides, he is the largest creditor. There is, therefore, every reason why his representatives should demand the control of the assets; and they show a handsome liberality in their offer to provide for all other creditors, including Chili, whom the United States is willing to recognize as a creditor for a reasonable war indemnity. This Peruvian Company, then, itself the chief and the first creditor, will take the guano and the nitrate in trust only for the benefit of all the creditors. [I may say to you privately that the company will protect you from any trouble with the Landreau interest, and that you may treat the two interests as one.] The company, then, being a creditor for, say, $1,000,000,000, is willing to restrict its preference to 6 per cent. upon *one-half* the sum (say, $30,000,000 annually), and out of the remainder of the income to create a sinking fund to retire all

other indebtedness. It is ready to issue its scrip at par for all Peruvian paper, and thus to restore the government to practical solvency at once.

12. More than this, the manager of the syndicate, who will be the permanent president of the company, and who, with his immediate friends, will permanently control the entire policy of the company, is known to me and to Consul Tracy, and we have undoubted assurance that from the first the company will be prepared to render every assistance to the Peruvian executive which may be necessary to put it upon a proper footing in the first months of a new beginning. The owners of the company are among the most solid, safe, and conservative of men, and have framed a policy to last at least fifty years, and to secure the largest prosperity in the future, resting upon the most secure foundations of order, industry, commerce, and peace. They have commercial plans extending far beyond the limits of Peru. Their ambition is to make Peru the model South American Republic, and to repeat there all the best commercial methods known in this country. They are gentlemen of the purest character and of the most honorable ideals, and will admit to their circle none of any less honorable type.

13. I may say farther concerning these gentlemen, whose identity is known to me in detail, that they include the nearest personal and political friends of the Executive, and not only of the present Executive, but of the Vice-President as well, who will succeed to the Presidency in case of President Garfield's death. They also include representatives of the most powerful money corporations in the country, and you may rest absolutely assured that in dealing with them the Peruvian executive is for all practical purposes dealing directly with the power and the honesty of the United States itself. Once established in their great property in Peru they would be protected if necessary by the entire power of their government, no matter who the acting Executive might happen to be. For the commercial enterprise of this nation has now become as powerful as that of England once was, but most happily without any of that selfish greed which has made England the foe of her own colonies, and hereafter American property interests in foreign lands will be thoroughly taken care of.

14. The people of the United States, as we have seen in the matter of the proposed Panama Canal, are determined that no European government shall take foothold in this hemisphere, but they have no ambition for themselves except an honorable commercial ambition. They want no more territory, nor do they wish to meddle at all in the political affairs of sister republics. They are willing, as in the present instance, to forbid the victor an extreme cruelty upon the vanquished, and for the rest their only desire is to see every republic cultivate the arts of peace, and become happy and prosperous within its own borders.

15. I am able to tell you, on the highest authority, that the Department of State has long ago notified Chili in the plainest words that she will not be permitted to take any territory from either Peru or Bolivia, except it be found that there is no other possible way of securing her proper war indemnity. I am able, on the same authority, to tell you that she (Chili) has been notified that American citizens have filed at Washington their claim as owners of all the guano now in Peru, and that for every pound she takes she must hereafter account to the United States, and that she has also been notified that no cession of territory or property by Peru will be permitted until the Cochet and Landreau claims have first been provided for.

You perceive, therefore, that already Peru has a great friend at her back, and that henceforth it is only necessary for her to lean upon that friend to be wholly saved.

16. More than this, there is help for Bolivia, too.

The owners of the Cochet rights are clear-eyed men who see far into the future. Their first interest—I mean now their *own* first interest—is to see Peru restored to all prosperity. While they will not meddle in any quarrel not their own, they cannot allow any terms to be inserted into the treaty of peace which will so cripple Peru or Bolivia as to affect their own commercial plans, and they will not allow any such terms to be inserted. Upon this you may safely rely.

They will open the guano market and the nitrate market all over the world as it has never been opened yet. They will do a business of $100,000,000 a year when once their plans are perfected, and will open the now dead silver and quicksilver mines also, if properly encouraged, and will pay off all these debts that now look so hopeless easily enough, and leave Peru richer by far than she has ever yet been. All this is easy enough to American enterprise.

They are shrewd enough to see that they should have the Bolivian nitrate too, and if Bolivia will treat them fairly she too can be fully taken care of—by leasing under a proper commercial treaty all her nitrate territory to the Peruvian Company, which will then work the whole as one interest, and pay Bolivia a regular dividend out of the annual profits.

17. If you have noticed how such capitalists as these are now transforming Mexico, covering it with railroads and canals, and reopening its dead gold and silver and copper mines, you will see the example which may now be repeated in Peru.

At the head of the Mexican enterprise is General Grant, and with him are his

friends. The managers of the Peruvian Company are not one whit less able in capital. Out of the midnight may spring at once the clear dawn.

18. * * * I beg you, therefore, to acquaint his excellency the President at once with all the foregoing facts, that he may be able to act with promptitude and intelligence.

19. From the first Mr. Shipherd has sought to reach, * * * but always in vain. He has, therefore, freely consulted * * * but * * * could only answer for himself, and could not of course bring anything to the notice of the Executive. I have, in the exigency, volunteered to place the facts within the President's reach, and having done so my duty is finished. In answer to questions directly asked me, I have not hesitated to express the belief that most eagerly would Peru embrace this great opportunity. I shall be compensated for this long letter if I can have immediate official assurance that I have not given bad advice.

* * * * * * *

The idea of a treaty with Bolivia is a recent one; a draft of outline is now being made, and when printed a copy will be sent you.

This is a long letter, but not so long as its theme, and if it opens a door of escape for unhappy Peru I shall be glad indeed that it was my privilege to write it. * * *

Mr. Shipherd to Mr. Elmore.

NEW YORK, *August* 25, 1881.

SIR: I have the honor to be charged with the duty of bringing to the official notice of your excellency the fact that one-third of all the guano lying in original deposits within the territory of Peru on the first day of January, 1841, is now, and for some time past has been, the property of Franklin Stewart and others, who are American citizens, and my clients, and whose title has duly descended from Alexander Cochet, duly adjudged to have been the first and true discoverer of guano in Peru, and in whom the fee absolute to such one-third was duly vested by the republic by operation of law.

And hereupon I am further charged to demand, as I now do, in behalf of these owners, due recognition by the existing government of all the rights of my clients in the premises as such owners, and the formal release in their favor of all custody, control, claim, and assertion contrary or adverse to the title herein asserted, so far as the Government and people of Peru are or may be concerned.

And hereupon I am further charged to demand, as I now do, payment in full, with interest from the date of removal for so much of the property hereby demanded as may not be found in the place of original deposit when the Government of Peru shall attest the release hereinabove demanded.

And hereupon I am further charged to protest, as I now do, against any and all negotiations and acts tending towards the cession, sale, lease, hypothecation, or other incumbrance or disposition of any property held, owned, or contolled by Peru pending the full satisfaction of the demands herein made and intended.

A copy of this notice and demand will be delivered to the honorable the Secretary of State at Washington, and a duplicate is herewith inclosed for transmission, at your official discretion, to His Excellency the President of Peru.

I shall be pleased to supply to His Excellency the President of Peru, upon due request, any further information appropriate to the premises, including all necessary evidences of the title herein asserted, and to designate a commissioner duly authorized to represent the owners in the immediate custody and control of the property hereby demanded.

In conclusion, I beg your excellency to receive, &c.,

JACOB R. SHIPHERD,
Attorney for Franklin Stewart and others, as aforesaid.

His Excellency the Hon. J. F. ELMORE,
Minister of Peru, Resident at Washington, D. C.

Mr. Shipherd to Mr. Martinez.

NEW YORK, *August* 26, 1881.

SIR: I have the honor to inclose herewith a copy of a communication heretofore addressed and delivered to his excellency the minister of Peru, resident at Washington. I add also another copy of the inclosure and a copy of this note to be forwarded at your official discretion, to His Excellency the President of Chili. A further copy of this note will be delivered to the honorable the Secretary of State at Washington.

The immediate and sincerely friendly purpose of this note is to spare the Government of Chili the serious embarrassment which would necessarily follow if the representatives of Chili now in Peru should continue to deal, however inadvertently, with the property of citizens of the United States, as if it were the property of Peru.

And hereupon I am authorized to assure your excellency in no doubtful terms of the readiness of my clients to recognize every act involved in the actual status resulting under the rules of war among civilized nations, from the campaign of Chili now closing, reserving only those indestructible rights of neutrals which even war must recognize and protect.

It is believed that so far from embarrassing or delaying the conclusion of a peace honorable alike to victor and vanquished, and just to all interests to be affected by the adjustment so much desired, and as yet so vainly sought, the interests which I have the honor to represent, may be so circumstanced as to afford to all parties an immediate and final solution of all urgent problems, and especially may afford the most efficient and substantial guarantees of a long period of peace and prosperity in the immediate future, that peace which tends only to industry and internal content, and indisposes to intrigue and to war.

It may be proper to prevent possible indistinctness, that I should specifically point out the necessary meanings of this communication as to the past as well as to the future, and with your excellency's indulgence I therefore proceed to observe—

First. That this notice of title is unqualified, and must be understood to imply whatever may be implied by an unqualified notice and demand in like premises.

Second. That Chili must account to the American owners for whatever guano she has removed or suffered to be removed from original deposits in Peru at any time since January 1, 1841.

Third. That Chili must, on and after the day of the delivery of this note and its inclosures to your excellency, recognize and protect the title herein asserted throughout the territory of Peru, so long as the military forces of Chili shall continue therein.

Fourth. That for any failure or refusal hereafter to recognize and to protect the title herein asserted, Chili must be held liable, and the aggrieved will then be necessarily remitted to the protection of their own government.

Fifth. It should not be overlooked that so long as the military forces of Chili continue in Peru, the undersigned must require of them directly, and must hold the Government of Chili directly responsible for all the protection, relief, and assistance, which but for such occupation the undersigned might properly demand of the Government of Peru; and express notice of such requirement is hereby given, together with like notice that for any detention or appropriation of or injury to the property of Peru, the debtor of the clients of the undersigned, after the delivery to your excellency of this notice, and pending the full satisfaction of the demands comprised in the memoranda herewith inclosed, the undersigned must and will hold the Government of Chili directly liable in full.

Of course I hold myself ready to supply to His Excellency the President of Chili, upon due request, all further information appropriate to the premises, including all necessary evidences of the title herein asserted, and to designate a commissioner, duly authorized to represent the owners in the immediate custody and control of the property herein demanded.

Not for a moment doubting the sincere readiness of the Government and people of Chili at all times to do justice, and fully confiding in the early and amicable adjustment of all issues concerning my clients,

I avail myself, &c.,

JACOB R. SHIPHERD,
Attorney, &c.

His Excellency Hon. MARTIAL MARTINEZ,
Envoy Extraordinary and Minister Plenipotentiary of Chili, at Washington.

Mr. Shipherd to Mr. Hurlbut.

AUGUST 30, 1881.

MY DEAR SIR: I sent you a very important parcel by the last steamer, and herewith duplicate it throughout, to cover possible mischances of transportation.

At this writing, the President having passed, on the 26th and 27th, an exceedingly grave crisis, seems to be on the sure road to recovery. You will heartily share the general joy.

Our enterprise makes continuous progress, and I will keep you advised of all developments of interest. Of our commissioners plenipotentiary, one has been chosen and negotiations for the other are now pending. We shall always be glad to receive your suggestions, and shall reciprocate all courtesies shown.

Yours, truly,

J. R. SHIPHERD.

Mr. Shipherd to Mr. Hurlbut.

SEPTEMBER 6, 1881.

MY DEAR SIR: I must go away for a few days, and will leave this for my son to mail before the next steamer's mail closes.

The letters in the Herald and the World, received by last steamer, disclose the hearty vigor with which you have begun your great work, and you may be sure that vigor is appreciated.

I shall try to write at least briefly by every steamer to keep you advised of progress here.

We shall try to get our commissioners off during October, and they are being selected with very great care and under the constant advice of the Executive with reference to entire harmony with the government and its representatives, particularly yourself.

With this will be inclosed copies of drafts or demands on Peru and Chili, which will be, after final corrections, duly engrossed (and also printed), and personally served, say towards the end of this month. I should be glad if we could have the benefit of your advice in the premises, but it is thought better to deliver these at once; and some time before our commissioners sail you will greatly aid us, and in the reflex aid your own negotiations by frankly and fully advising us by post, pending the arrival of our commissioners, of whatever may aid us in shaping our plans and settling a policy. Of one thing you may, however, be assured once for all, and that is that from first to last we shall neither propose nor favor any measure which does not, above all else, tend to the "*greatest good of the greatest number.*" The more worthy your own plans shall be of our great government, the heartier you will find our co-operation.

Faithfully, yours,

JACOB R. SHIPHERD.

Mr. Shipherd to Mr. Hurlbut.

SEPTEMBER 19, 1881.

MY DEAR SIR: On the 17th * * * called upon me, introduced by a * * * who is my friend, and we had a long and very satisfactory conference.

He informed me that he had some weeks since forwarded to President Calderon the papers I sent him, the same sent * * * and asked for duplicates. He explained to me the plans of the Société Industriale (in which he was deeply interested), and responded cordially to my suggestion that if our plans should succeed we would make a liberal co-operative arrangement with the société as a party legitimately entitled to fair recognition. He discussed the scheme with courteous deference, as if it were in principle settled, and only methods of giving it effect remained to be considered. He asked somewhat eagerly whether Peru might rely upon American protection in carrying out the agreement with us after she had made it, and seemed to have no anxiety on any other point; indeed, he said, "If *that* is assured all the rest will follow as smoothly as the flowing of a stream."

He surprised me with the statement that Dreyfuss not only is not in the société syndicate, but is hostile to it. I had heard the other statement always. Do you know what the truth is?

He welcomed my promise of a formal demand, to be served upon him, say, within fifteen days, which will initiate direct and decisive negotiations, and volunteered the offer to furnish me copies of the société's contract with the government in 1880. Nothing could have been more satisfactory than his entire manner and discourse. What its real significance and importance may turn out to be, of course we must wait for the future to disclose.

We note Piérola's resignation, but presume it to be merely a preliminary to his formal re-election, or election rather, to the presidency by his congress.

I wish you would inform me whether President Calderon has authority to conclude a treaty with us in the vacation of Congress?

Since my writing by the last steamer, I have been necessarily absent from the city, and our internal negotiations have been consequently suspended. I may have more news for you by the next steamer.

I should greatly prize your advice, and daily regret the distance that parts us. Do not fail to write with the utmost frankness and fullness, and by every mail, if practicable. If I can be of any service to you personally in any way, do not hesitate to command me.

As I write, the President is sinking again, and the gravest apprehensions prevail.

Faithfully, yours,

JACOB R. SHIPHERD.

Mr. Shipherd to Mr. Hurlbut.

SEPTEMBER 28, 1881.

MY DEAR SIR: Since my last the great change has come, and General Garfield's administration, so full of promise, is no more.

The Senate is to meet October 18, and the air is full of suggestions of an entirely new Cabinet. It is understood that General Grant advises that Mr. Fish be recalled to the control of the Department of State, and that this advice is likely to prevail. Of course the instructions you have already received will continue in force until specifically modified, and it shall be our care to prevent such modification. The nearest friends of the new President are, or will be, among our stockholders, and our original plan to offer General Grant himself a prominent seat in the direction will probably be carried out. Then, if Peru is wise enough to co-operate with us, I think no administration will refuse us the aid necessary to compel the acquiescence of Chili.

Until towards the middle of October I cannot receive your acknowledgment of my first message (August 20), but thereafter I shall hope to hear fully from you by every steamer. It seems to me I cannot be widely mistaken in assuming that such facts as I have been sending will be helpful and welcome to you; it is at least equally certain that similar advices from your office will be greatly useful here.

I may as well be frank enough to say farther that the intelligence and vigor with which you have begun your work fulfill our best hopes, and that if there is a change in the head of the Department of State we shall ask that no change be made at Lima.

Negotiations are pending with a leading Republican journal which, if concluded, will make it our especial organ. It has no Peruvian or Chilian correspondence. Either with this journal, or with some other equally good, and of the very first rank, we shall conclude arrangements, and these arrangements will entitle us to publish our own letters from Lima and Santiago. Can you retain for us competent men? The letters must be sent to *me*, and, after revision, I will publish them. The only satisfactory letter I have seen in the World is the one dated August 10; those in the Herald are of very ordinary quality, and there seem to be no others.

As soon as we are fairly afloat, within range of the public eye, there will be a keen appetite and a general market for Peruvian and Chilian news, and not merely gossippy, but able and comprehensive accounts should come by every mail. I have been twenty years in practical journalism, and know how such correspondence can be used. If you can secure competent men I wish you would do so; there shall be no scrimping of the pay.

I write to-day because I happen to have a leisure moment. If anything important develops before the mail closes I will write again.

Very faithfully, yours,

JACOB R. SHIPHERD.

No. 370.

Mr. Hurlbut to Mr. Blaine.

No. 26.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 9, 1881. (Received December 3.)

SIR: The event of the week has been the arrest of President Calderon and Mr. Galvez, his minister for foreign affairs, by the Chilian military authorities.

You have been advised that on the 28th September Admiral Lynch, by order of that date, suppressed the Calderon government, and forbade the exercise of any authority by them.

Mr. Calderon has been quite careful to make no ostentatious display, but has never ceased to perform acts of authority. On the 4th of this month he caused a circular to be sent by his secretary, Mr. Galvez, to the diplomatic body of this city, giving them information of Montero's adhesion to his government. This act is said to be the provocation to this singular violence by Chili.

I am informed, on good authority, that the arrest was advised against

by Altamirano and Novoa, but peremptorily ordered from Santiago. It was effected about 2 o'clock on Sunday morning, the 6th, with a good deal of unnecessary military display. A battalion was placed in the street in rear of his house and the entire block closely guarded. A company was thrown out across the front of this legation, which is only three doors from Mr. Calderon's house, probably to prevent his seeking asylum here. Mr. Calderon, however, had no idea of attempting escape, and was found in his house. He and Mr. Galvez were at once taken to Callao and put on board the iron-clad Cochrane, which sailed on Monday evening. Their destination is said to be Santiago.

The real purpose of this arrest undoubtedly was to check the strong movement in Peru toward the support of the constitutional government, and to continue the state of anarchy and confusion as a ground for Chilian occupation. It is also quite possible that it was intended to be understood by the people at large as the reply of Chili to the known support of that government by the United States. This purpose will of course be disavowed, but there is no doubt in my mind that it exists, nor that it is so understood by every one here.

The policy of Chili is transparent, and is in fact avowed in a semi-official way by their organ in this city, La Situacion. It is to hold this country under armed occupation until they can find or create some one with whom they can make peace on their own terms. The Calderon government, supported by nearly the whole of Peru, was rapidly acquiring a dignity and position which must have been recognized by all nations, but it was known that it would not submit to mere dictation of terms of peace. Therefore, by the use of pure force, the head of that government has been removed, and secret negotiations opened with Piérola.

I notified you of the fact of the arrest by telegraph of 7th.

As soon as Montero informs me that he has accepted and entered on the duties of President *ad interim*, as provided by law, I shall formally and publicly recognize his authority during Calderon's disability.

I am exceedingly anxious for some specific action by the United States, which shall establish the limits beyond which Chili will not be suffered to go, and I very deeply regret that the reported condition of General Kilpatrick is such that he cannot be expected to be at all active in any way. He still continues his absolute silence so far as I am concerned, and although I write to him every week, I send him nothing which I am not perfectly willing should be read by the Chilian ministers, as I have reason to believe it is. I place no confidence in the people who are around him, and I know that, in his state of health, he can give no personal attention to anything.

I am, &c.,

S. A. HURLBUT.

No. 371.

Mr. Blaine to Mr. Hurlbut.

No. 17.] DEPARTMENT OF STATE,
Washington, November 17, 1881.

SIR: Your No. 12, in reference to the Cochet and Landreau claims, indicates a prudent and discreet course on your part. After the instruction in my No. 7, in regard to this subject, had been mailed I be-

came convinced that there was no need of even the preliminary inquiry, which I suggested in regard to the Cochet claim. There is no just ground whatever on which this government could intervene on behalf of it. In so far as there may be any basis for the claim at all, it originates in the demand of a native Peruvian against his government. If American citizens purchased an interest in such claim they purchased nothing more than the original claimant possessed. They did not and could not purchase the good offices of this government, and you are instructed not to extend them in the case of the Cochet claim. Your proposed course in regard to the Landreau claim is approved; but that claim must not, of course, be pressed in any manner that would seem to embarrass Peru in the hour of her great distress. Your previous instruction to use your good offices in procuring an adjudication of the Landreau claim was made in view of the possible fact—of which there was wide rumor—that numerous French and English claims were to be presented, in which event I was anxious that the resources of Peru should not be exhausted in the settlement of other claims to the prejudice and detriment of one belonging to an American citizen. You will still be guided by the spirit and intent of that instruction. The statements which you say were made to you by Mr. Jacob R. Shipherd are very extraordinary. It is in the first place extraordinary that he should have written to you at all, for I carefully advised him that ministers of the United States in foreign countries were not permitted to extend their good offices in aid of any claim unless so instructed by the Department of State. I repeatedly told him that any representations on behalf of the claims he was urging must be made at Lima by his own agents. His writing you was therefore an impropriety, and his attempting to instruct you as to what I had written you was as grotesquely absurd as the language he attributes to me. He simply makes the mistake common to a certain class of honest enthusiasts who imagine that the polite and patient listener is the author of their own extravagant fancies. I recognize several of the singular propositions imputed to me as having been made by Mr. Shipherd and not in any sense admitted or assented to by me. I told him in the three or four interviews which he sought with me that I could see no possible ground on which the United States Government could lend its good offices in aid of the Cochet claim. You will therefore pay no attention whatever to anything Mr. Shipherd may write you in regard to claims against the Government of Peru. You will, indeed, do well to return at once to the writers any letters you may receive relating to private claims, unless you first have the matter regularly referred to you by the Department of State. Such reference will never be made except in cases where in the judgment of the government there is a denial of justice to an American citizen. Legations of the United States in foreign countries must not be converted into agencies for the prosecution of private claims. Trusting to your sound discretion and prudent action in all matters of this character,

I am, &c.,

JAMES G. BLAINE.

No. 372.

Mr. Elmore to Mr. Blaine.

LEGATION OF PERU,
Washington, November 18, 1881. (Received November 18.)

SIR: When I had the honor to confer with your excellency on last Monday, 14th instant, I informed your excellency that I had telegraphic news of the adhesion of the Peruvian Admiral Montero to Señor Calderon's government, and also of the last and logical Chilian outrage, the arrest and taking to Chili of President Calderon and his secretary of state, Señor Galvez.

I have been waiting both for telegraphic advices and for the South Pacific mail (which has finally reached here to-day) in order to address to your excellency an exposé on the situation in Peru, which although so extraordinary and perhaps unique in history is not for that reason the less interesting.

I hope to hand my letter to your excellency to-morrow, when I shall again earnestly call your excellency's attention to a situation which has probably no other solution than the resolute intervention of your excellency's government in order to make constitutional government in Peru, and a lasting peace in South America, possible.

I have the honor to renew to your excellency the assurances of my highest and most distinguished consideration.

J. F. ELMORE.

No. 373.

Mr. Elmore to the President.

PERUVIAN LEGATION,
Washington, November 19, 1881. (Received ———.)

Mr. PRESIDENT: Although every foreign minister accredited to the chief of state enjoys the privilege of conferring with the sovereign or President upon the affairs of his own country, I have seldom asked for that honor, being, on principle, opposed to molesting the head of the nation, generally overburdened with too many cares and attentions. But it is not every day (if it ever occurred before in history) that when hostilities have ceased to exist, for nearly a year, the victorious government of one of the belligerents commits the stupendous outrage of taking and carrying off the recognized and unoffending President and secretary of state of the other belligerent. This, Mr. President, is what the Chilian Government has done with the President and the minister of foreign relations of Peru.

Such an event, and the complicated state of affairs in South America, authorize me, I think, and make it a solemn duty on my part, to request your excellency to grant me the high privllege of a short interview, when I wish to thank your excellency for all the good your excellency's government has done and is doing for my country, and also to personally explain some facts and events.

Your excellency would confer on me a lasting obligation by letting me know on what day and hour I may have the honor of calling upon your excellency.

I beg to offer to you, Mr. President, the assurances of my profound respect and most distinguished consideration.

J. F. ELMORE.

His Excellency President CHESTER A. ARTHUR,
Washington.

No. 374.

Mr. Blaine to Mr. Hurlbut.

No. 18.] DEPARTMENT OF STATE,
Washington, November 19, 1881.

SIR: On the 27th ultimo I sent you the following telegram: "Influence of your position must not be used in aid of Credit Industriel or any other financial or speculating association." On the 2d instant I received your reply in these words: "It has not been; it will not be." My reason for telegraphing you was the continual circulation of rumors that the aid of your legation was earnestly desired to promote the interest of the "Credit Industriel of France," an association which is making efforts to reorganize the finances of Peru. Agents of the Credit Industriel had visited the Department of State and ineffectually endeavored to enlist the interest of this government in their behalf. However trustworthy the Credit Industriel may be, I did not consider it proper for the Department to have anything whatever to do with it. It is a foreign corporation, responsible to French law, and must seek its patronage and protection from France. At the same time it is no part of your duty to interfere with its negotiations with the Peruvian government. If it can be made an effective instrumentality to aid that unhappy country in its prostrate and helpless condition it would be ungenerous and unjust to obstruct its operations. Your duty is negative, and you will have fully complied with your instruction by simply abstaining from all connection with the association. I have another word of caution to give you. I presume that you will be asked by the agents or officers of the Peruvian Company of New York to lend your influence as United States minister to promote its interests. It would, of course, present to you the claim of an American organization composed of reputable citizens and entitled to your good offices where they may, with propriety, be extended. But you will specially avoid any advocacy of the claims of that or any other company or individual in the pursuit of personal ends or business enterprises. To a minister of your experience I need not point out the proper distinction between diplomatic good offices and personal advocacy. To extend all proper protection to American citizens, and to secure for them in any interests they may have a respectful hearing before the tribunals of the country to which you are accredited, and generally to aid them with information and advice, are among the imperative and grateful duties of a minister—duties which increase his usefulness and add to his respect, and duties which I have no doubt you will faithfully perform. To go beyond and assume the tone of advocacy, with its inevitable inference of personal interest and its possible suspicion of improper interest, will at once impair, if it does not utterly destroy, the acceptability and efficiency of a diplomatic representative. I recite these elementary grounds at the present time, because, if I am correctly advised, all manner of schemes are on foot at Lima for the reorganization of the disordered finances of Peru, and the interested parties are seeking, first of all, the countenance and indorsement of the American legation. You will exercise the utmost care in any step you may take, and if any occasion shall arise where the interposition of this government may aid in restoring the credit of Peru you will confer by telegraph with the Department, and you will take no important step without full and explicit instruction.

I am, &c.,

JAMES G. BLAINE.

No. 375.

Mr. Blaine to Mr. Hurlbut.

No. 19.] DEPARTMENT OF STATE,
Washington, November 22, 1881.

SIR: Your dispatches to No. 23, inclusive, have been received, and I learn with regret that a construction has been put upon your language and conduct indicating a policy of active intervention on the part of this government, beyond the scope of your instructions. As those instructions were clear and explicit, and as this department is in the possession of no information which would seem to require the withdrawal of the confidence reposed in you, I must consider this interpretation of your words and acts as the result of some strange and perhaps prejudiced misconception.

My only material for forming an opinion consists of your memorandum to Admiral Lynch, your letter to Señor Garcia, the secretary of General Piérola, and the convention with President Calderon, ceding a naval station to the United States. I would have preferred that you should hold no communication with Admiral Lynch on questions of a diplomatic character. He was present as a military commander of Chilian forces, and you were accredited to Peru. Nor do I conceive that Admiral Lynch, as the commander of the Chilian army of occupation, had any right to ask or receive any formal assurance from you as to the opinions of your government. The United States was represented in Chili by a properly accredited minister, and from his own government the admiral could and ought to have received any information which it was important for him to have. It was to be expected, and even desired, that frank and friendly relations should exist between you, but I cannot consider such confidential communication as justifying a formal appeal to your colleague in Chili, for the correction or criticism of your conduct. If there was anything in your proceedings in Peru to which the government of Chili could properly take exception, a direct representation to this government, through the Chilian minister here, was due, both to the government and to yourself.

Having said this, I must add that the language of the memorandum was capable of not unnatural construction. While you said nothing that may not fairly be misconsidered warranted by your instructions, you omitted to say with equal emphasis some things which your instructions supplied, and which would perhaps have relieved the sensitive apprehensions of the Chilian authorities. For, while the United States would unquestionably "regard with disfavor" the imperious annexation of Peruvian territory as the right of conquest, you were distinctly informed that this government could not refuse to recognize that such annexation might become a necessary condition in a final treaty of peace. And the main purpose of your effort was expected to be, not so much a protest against any possible annexation, as an attempt by friendly but unofficial communications with the Chilian authorities (with whom you were daily associated), to induce them to support the policy of giving to Peru, without the imposition of harsh and absolute conditions precedent, the opportunity to show that the rights and interests of Chili could be satisfied without such annexation. There is enough in your memorandum, if carefully considered, to indicate this purpose, and I only regret that you did not state it with a distinctness, and if necessary with a repetition, which would have made impossible anything but the most willful misconception.

As at present advised I must express disapproval of your letter to Señor Garcia, the secretary of General Piérola. I think that your proper course in reference to Garcia's communication would have been either entirely to ignore it as claiming an official character which you could not recognize, or, if you deemed that courtesy required a reply, to state that you were accredited to the Calderon government, and could, therefore, know no other, and that any communication which General Piérola thought it his duty or interest to make, must be made directly to the government at Washington. You had no responsibility in the matter, and it was injudicious to assume any. The recognition of the Calderon government had been duly considered and decided by your own government, and you were neither instructed nor expected to furnish General Piérola or the Peruvian public with the reasons for that action. The following language in your letter to Señor Garcia might well be misunderstood:

"Chili desires, and asks for Tarapacá, and will recognize the government which agrees to its cession. The Calderon government will not cede it. It remains to be seen whether that of Piérola will prove more pliable."

It might easily be supposed, by an excited public opinion on either side, that such language was intended to imply that the Government of the United States had recognized the government of Calderon because of its resolution not to cede Peruvian territory. No such motive has ever been declared by this government. The government of Calderon was recognized because we believed it to the interest of both Chili and Peru that some respectable authority should be established which could restore internal order, and initiate responsible negotiations for peace. We desired that the Peruvian Government should have a fair opportunity to obtain the best terms it could, and hoped that it would be able to satisfy the just demands of Chili without the painful sacrifice of the national territory, But we did not make, and never intended to make, any special result of the peace negotiations the basis of our recognition of the Calderon government. What was best, and what was possible for Peru to do, we were anxious to the extent of our power to aid her in doing, by the use of whatever influence or consideration we enjoyed with Chili. Further than that, the Government of the United States has, as yet, expressed neither opinion nor intention.

I must also express the dissatisfaction of the Department at your telegram to the minister of the United States near the Argentine Confederation, suggesting that a minister be sent by that government to Peru.

This would have been clearly without the sphere of your proper official action at any time, but as there then existed a serious difference between Chili and the Argentine Confederation, you might naturally have anticipated that such a recommendation would be considered by Chili as an effort to effect a political combination against her. The United States was not in search of alliances to support a hostile demonstration against Chili, and such an anxiety might well be deemed inconsistent with the professions of an impartial mediation.

As to the convention with regard to a naval station in the bay of Chimbote, I am of the opinion that although it is a desirable arrangement the time is not opportune. I would be very unwilling to ask such a concession under circumstances which would almost seem to impose upon Peru the necessity of compliance with our request, and I have no doubt that whenever Peru is relieved from present embarrassments she would cheerfully grant any facilities which our naval or commercial interests might require. Nor in the present excited condition of public opinion in Chili would I be willing to afford to evil-disposed persons the

opportunity to intimate that the United States contemplated the establishment of a naval rendezvous in the neighborhood of either Peru or Chili. The very natural and innocent convenience which we require might be misunderstood or misrepresented, and as our sole purpose is to be allowed, in a spirit of the most impartial friendship, to act as mediator between these two powers, I would prefer at present to ask no favors of the one and to excite no possible apprehension in the other.

Having thus stated with frankness the impression made upon the Department by such information as you have furnished it, it becomes my duty to add that this government is unable to understand the abolition of the Calderon government and the arrest of President Calderon himself by the Chilian authorities, or I suppose I ought to say by the Chilian Government, as the secretary for foreign affairs of that government has in a formal communication to Mr. Kilpatrick declared that the Calderon government "was at an end." As we recognized that government in supposed conformity with the wishes of Chili, and as no reason for its destruction has been given us, you will still consider yourself accredited to it, if any legitimate representative exists in the place of President Calderon. If none such exists you will remain in Lima until you receive further instructions, confining your communications with the Chilian authorities to such limits as your personal convenience and the maintenance of the rights and privileges of your legation may require.

The complicated condition of affairs resulting from the action of the Chilian Government, the time required for communication between the legations in Chili and Peru and this Department, and the unfortunate notoriety which the serious differences between yourself and your colleague in Chili have attracted—have, in the opinion of the President, imposed upon him the necessity of a special mission. This mission will be charged with the duty of expressing the views of the president upon the grave condition of affairs which your dispatches describe, and if possible with due consideration of the rights, interests, and susceptibilities of both nations to promote a settlement which shall restore to the suffering people of Peru the benefits of a well-ordered government, deliver both countries from the miseries and burdens of a protracted war, and place their future relations upon a foundation that will prove stable, because just and honorable.

I am, sir, your obedient servant,

JAMES G. BLAINE.

No. 376.

[Extract.]

Mr. Hurlbut to Mr. Blaine.

No. 28.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 23, 1881. (Received December 21.)

SIR: * * * I also send with this a long letter from Mr. Jacob R. Shipherd, which I wish read and retained in the Department. I call attention to the part marked with lines. I have written to him declining any further correspondence, unless through the Department, and have also written a letter of explanation to * * * said by Shipherd to be his attorney.

I am, sir, your obedient servant,

S. A. HURLBUT.

[Inclosure in No. 28.]

Mr. Shipherd to Mr. Hurlbut.

NEW YORK, *October* 27, 1881.

SIR: I have yours of the 1st instant. You seem still to look upon our company and its possibilities only as something that may be "of great use" to Peru. I shall be content—extraordinary as the attitude is—to discuss it on that basis, and to applaud your generous sympathy with an unhappy country; and I will, if you wish, pardon to an excess of generosity in that direction the remarkable indifference, or seeming indifference, to the interests of your own countrymen. If you had heard a tithe of the comment made upon this seeming indifference by gentlemen whose only interest is to applaud and to be proud of you, you would at least credit my own observations with great moderation.

Our company, now fully organized, and already a formidable power, being, purely commercial, necessarily includes, however, not only those who, like myself, are your steadfast political friends, but men of all political parties and factions, all of whom would none the less gladly be your friends as minister, and would heartily uphold your hands, if you would give them the slightest opportunity to do so; but who cannot be expected, when they see you totally indifferent to their interests—or apparently so—to forbear criticism not only severe, but possibly unjust. Such is human nature.

If you had come to my office, as I understood you to earnestly assure me you would, before you sailed, I could have satisfied you as long ago as that upon all the points you now raise. If opportunities have been lost in the intervening period, you will, I trust not hold me alone to blame; and if you had been at the pains to deliver with the letter to Mr. * * * the accompanying documents, without which the letter was unintelligible, you would at least have not taken a responsibility which no one here has as yet been able to explain.

I sincerely beg your pardon if this frankness seems severe; it certainly is not meant to be rude, and is only used to give you some idea of the unhappy impression which the attitude of your legation has—erroneously or otherwise—made upon every person without exception, I believe, who looks from this view point. And nothing will give me sincerer pleasure than to be enabled to vindicate not only the perfect integrity of your motives, but what is almost equally important, the wisdom of your methods.

In a readiness to help Peru, no one at Lima or elsewhere can profess a sincerer desire than this company feels. So far as Peru is concerned we might safely ask her to do nothing except for herself alone. But we have rights as well as she, and have on idea of relegating them to any secondary rank. Of a government capable of the official record made in the Landreau case, it would hardly be wise to expect any refined analyses in practical ethics; no practicing attorney would hanker exactly for the privilege of submitting any cause to just that kind of a tribunal.

It is therefore with only a languid interest that we have at any time looked toward either the legal or the equitable strength of our case; we have assumed from the first that our chief reliance should be upon our ability to rescue Peru in *articulo mortis* from the jaws of the devouring conqueror.

But while this might suffice for the face to be turned toward Peru, it could not for a moment satisfy the gentlemen who constitute the Peruvian company, nor their counsel, nor the American Government. There must be at the bottom of all our plans, first the facts and next the proof of them, which would create open, clear, and incontestible equities, at least coextensive with our claim.

That such facts and such proofs do exist, the documents heretofore placed in your hands have been supposed to be *prima facie* evidence. Of more than a score of eminent attorneys, statesmen, and business men who have thoroughly and critically examined them, not one has at the end expressed a doubt, or failed to express a judgment that our case (*prima facie*) was complete.

It is always possible that such a body of experts may all be mistaken; but the probabilities hardly lie that way, do they?

For example, I sent for * * * this morning, and read him your letter without comment, and at the close asked him what he thought of the difficulties you suggest. His reply was, "I can see nothing whatever in them. The documents in General Hurlbut's hands are plain as the shining of the sun. If we are not badly advised by Peruvian authorities here, the natural son inherits; if we are badly advised on that point, it is immaterial, for we have the will."

Following my own order, I proceed then specifically to respond in turn to each of the points you suggest, and to these I may add a general observation or two.

First. I believe you are not aware that Alexandre Cochet, whom we supposed to have died intestate, in fact left a valid will, in which Gelacio is duly recognized and identified, and to whom all the testator's rights and properties are duly bequeathed. This will came to light in August last, and has been duly probated in Paris, and we have a properly attested copy of it here. This fact removes the only question you raise as to the chain of title.

Second. What did Cochet discover? His pamphlet shows clearly enough. Not the heaps of guano, not the original *vague idea* that it had fertilizing properties. But that *marketable* quality which brought all the millions into the public treasury.

The language of the committee of award is broader than this. (See p. 13 of Truth Demonstrated.) "The 5,000 tons of guano that the national representation is disposed to grant to the Señores, Allier and Quiroz, believing them to be *the first discoverers of the fruitful properties of this manure.*"

On all the facts the committee award to Cochet the prize intended for the "first discoverers of the fruitful properties," and for those "first to introduce it into European markets."

The body of the report shows, if not in a precise, certainly in a very comprehensive and unquestionable way, the almost unlimited indebtedness of the republic to this extraordinary foreigner, and adjudges him to be—what his own collateral specifications show in detail that he was—the creator of the foreign guano market, the discoverer "of untold riches," which have ever since been flowing in upon his beneficiary.

The decree—(p. 44 of the prospectus)—is as broad as possible: "That any one, after the publication of these presents who shall have discovered ——— or *other property* belonging to the state, shall have a right to a third part."

If the intent of this decree was the benefit of the state by the discovery of available *value*, then the rule being as broad as the reason of it, must easily enough cover the *value* discovered in guano by Cochet alone.

If the intent was narrower than this, then it was only calculated to defeat itself. The interests of the state are inseparable from those of the discoverer.

Third. What was the award? That the prize appointed for "the first discoverers of the fruitful properties of this manure, and the first to introduce it into European markets," belonged to Alexandre Cochet.

Fourth. Who awarded it?

So far as appears at all, the final tribunal duly created and authorized by "the national representation."

Fifth. Does that award "bind" Peru? Apparently; why not? Who is Peru? Is not the act of an authorized agent the act of the principal?

But all this argumentation proceeds upon the assumption that Peru proposes to dispute this claim.

Is not such a presumption at least premature?

Until the demand served on the Peruvian minister at Washington on the 13th, perhaps no formal demand for this property has heretofore been made. In such case the present Peruvian executive is as free as the executive of 1841. He is embarrassed by none of the repudiations which cloud the contested Laudreau case, and may construe the report of the committee of award as freely as any other sovereign. The *equities* of Cochet's claim are simply enormous, and are so plain that no sane man can for a moment debate them as doubtful.

There is no sounder rule of legal construction than that where either law or equity may prevail; *equity must* prevail, and if President Calderon is not clear that upon merely and narrowly legal analysis the award defines Cochet to be the true discoverer of guano—upon the notorious facts collateral to and contemporaneous with the award, he cannot for a moment doubt that the finding of the committee amounts to exactly that, and to nothing less.

The Landreau record needs no comment and will bear none. The opportunity now given to do cheerfully a great justice, and at the same moment to reap an enormous reward should need no enforcement.

If it is asked, May Peru act freely in existing premises? The complete answer is: Why not?

The decision which must be made upon the demand now pending is a purely executive decision, addressed to the executive of a sovereignty. If Mr. Calderon's government is sufficiently constitutional to negotiate for peace upon terms involving the dismemberment of territory—and the Chilians have always been ready to treat with him on this basis, and by such readiness are estopped, it must certainly have the inferior authority to *quitclaim the property of non-residents*, and to make a treaty with this company which will *preserve the republic*; in exigencies, mere committees of safety, may for the public *good* assume unlimited power. Is not this safe ground, in your judgment?

You may certainly rely, my dear sir, that every view suggested herein has the hearty approval of counsel entitled to the highest respect, and that we count ourselves fortunate in submitting these views for revision and criticism to counselors as able as yourself and President Calderon. We are perfectly aware that our demands and Mr. Calderon's concurrence—if he shall concur—will be put into diplomatic crucibles the world over; we have refined our views in advance with this expectation, and cheerfully surrender them to such tests; and we ask only of Mr. Calderon that he take such ground as he can vindicate to all intelligent and reasonable critics.

Farther than this, apply the test of a judge in court. Who has the right to object? Only some one who will suffer. Will Chili suffer? Is it not settled that her utmost

right, even of force is limited to a reasonable war indemnity? This is her utmost right as against *Peru;* and if Peru admits our title, Chili has *no* right against *us*.

Yet we are ready to pay or safely secure her proper indemnity, and upon this she is out of court.

Will Peru's creditors suffer? Is not our offer to them incomparably better than any other they have had or are like to have?

Will the citizens of Peru suffer? Is not our coming their sole chance of salvation?

——————— Will the United States Government back us up, and by so doing protect Peru?

Let that question be put directly to Mr. Blaine by Mr. Calderon. It certainly is not for me to speak for the government.

But as a citizen, and one of the people who create governments, I may venture an opinion shared by every stockholder in this company, and backed by the millions we are ready to venture on it, and in that opinion, I fancy, you will readily concur: That no government at Washington could escape the popular *damnation* which all parties and factions would unite to visit upon an executive that failed to protect, at no matter what cost, so enormous a property as ours against the mere rapine of Chilian marauders—Peru herself standing with us.

For your own satisfaction, I may say, that our staff of counsel, including such representative and various men as * * * are absolutely agreed upon this as upon every other point material to the pending issues; and the most radical suggestions of policy as yet suggested, have the hearty autograph approval of * * * who is now one of us. The significance of all this you need no aid from me to estimate.

It occurs to me to quote your recent correspondence. The moment we heard here of the decree of September 28, I wrote to * * * the intermediary between * * * and myself, when I am away from Washington.

"Since I wrote you last we have fresh and stirring news from Lima. Hurlbut's letter to Lynch deserves no stinted praise; it is a bull's eye, and no man's hat shall go higher than mine for him.

"The attempt of Chili to wipe out Calderon may be covered with any number of specious pretexts, but its real motive unquestionably is to lock horns with Mr. Blaine on the supreme issue of a cession of territory. Hurlbut spoke and the Chilian minister at Washington (* * * told me) appeared at the Department to demand explanations. How he was answered sufficiently appeared from what followed. He certainly became satisfied that the United States would not sit by and see Chili dig out the very vitals of its victim. Between the 25th of August, when Hurlbut wrote, and the 28th of September, when Calderon was suppressed, there was just time to hear fully from Washington.

"It does seem to me that the time has now come for Mr. Blaine to speak the one word that will cut this knot forever. Chili defies him and puts the last twist on her tortured and helpless victim. Calderon, although originally set up by the Chilians, resigned his provisional office to the constitutional Congress, and was at once unanimously elected provisional president by it. Now, when Chili finds that he will not, and cannot—for his Congress forbade him—cede the coveted territory, she forbids him to exercise his functions at all.

"What next?

"Chilian military rule and pure anarchy. * * * Chili will never permit a free election. She will either set up another provisional stick, or she will never allow another government to be organized. Meanwhile, all advices are that the country is settling into a condition of permanent horribleness; rapine is now the habit and the rule.

"Has not the time fully come for the only power that can stay this awful flood, to *stay* it?

"Hurlbut's manifesto to Lynch is perfect. Now, if his chief cables him to continue to recognize Calderon and to assure Calderon that, until another government is fully set up by *Peru*, the United States will insist upon his right to speak for Peru under the sanction received from his constitutional Congress, the issue will be forced, and the situation saved.

"If Chili may abolish Calderon, she may abolish Peru; if the United States falters now she may never retrieve the lost opportunity.

"The bearing of all this upon our great interests, Chili sees as clearly as I. If there is no Peruvian Government, there is no government to admit our rights, and so to establish them. The continuance of Calderon for the time being is vital, you see, to all we have at stake, and such interests as ours should easily decide, * * * if aside from them he hesitates."

——— Has Peru any representative here to make a heartier plea for her than that?

I will read to you now from the answer that came swiftly back:

"I can only now assure you that the United States will utter her voice in a manner which will mark an era in American diplomacy. The matter is being prepared, and within a week or two you will know what is done. You should act at once as though

the American ships of war were on their way to the Pacific coast. ------ Perfect your plans. Everything here has been just as you have wanted it all the time. The policy of the government has been exactly right, and is now. Any man who proposes to take part in your project should *now* take hold in earnest. -------- Chili will not set up another president, I fear, who will be strong enough to treat with us. We had better treat with Calderon, whom I hope our government will continue to recognize."

* * * in continuing deplores the circumstances which prevented my original purpose of putting you in possession of facts before your departure, which would have enabled you to have pointed Mr. Calderon to this only and complete way of escape immediately on your arrival at Lima.

But let that pass. It is not yet too late. So great a project as this, glacier-like, makes slow progress at best; it would be perilous indeed if it could move faster. You are now so situated as to place all the material facts clearly before Mr. Calderon. All the papers printed and cited by me—except only Gelacio Cochet's deed, which we have here and will of course produce in due course, together with the attested will—are part of the official records of the Peruvian Government—congressional or municipal—and presumably within the reach of the Peruvian executive. I am advised that undoubtedly Mr. Calderon can reach all the originals that are material. If not, we can supply deficiencies, upon request, from copies in the Department at Washington or elsewhere. Certainly I shall be at no pains to collect such copies until, upon the *prima facie* case, Mr. Calderon plainly assures me what he proposes to do. I am doing far more for Peru than she is to do for me, and shall not do more than my part.

In yours of September 12, you said that you had received no such dispatches as * * * assured me had been sent. The next time I was at the * * * * * * placed in my hands all the dispatches * * * had sent you, and I read for myself. The phrasing is his own, but the effect is exactly what I described. All I wanted was a *stay* pending negotiation, and I expressly asked him to put the Landreau claim forward, and to say only of ours that it had not yet been examined finally in the Department. He did precisely what I asked. I ask no opinion yet of any one on the merits of the Cochet claim till I have Peru's response to my demand. If that is affirmative, all the issues become finally *res adjudicata*, and will be so treated by the United States Government. If Peru's answer is a negative, then it will be time enough to consider the next step to be taken.

Until that answer comes, it seems hardly worth while for us to send commissioners to Lima. *Cui bono?* The case is as clear as the sun at noonday, and Mr. Calderon is said to be the first lawyer in Peru. I certainly don't propose to argue, nor to solicit, nor to persuade him, nor anybody else. To him, as to a drowning man sinking for the last time, I throw a rope. I am not sinking, nor am I going to sink. I control an interest large enough and strong enough to ride all seas in all weathers. If Mr. Calderon wishes to grasp the rope, that is for him to do. When he has done so, I will land him safe and sound. Until he lays hold of it, why should I further trouble myself?

If I need a commissioner, I am content with the American minister, for the time being. I need nothing from him that his official duty *ex virtute officii* does not require of him, to wit, that he shall do always what he can for the interest of the United States, and as a friend also for the country to which he is accredited. If he does this, he must to the uttermost promote the international plans of this company, and no man I can send can do this so well as he. I do not for a moment distrust him, if once he will set out to utilize in a large way the mere facts as they stand. He cannot go amiss, and he will find in this office during his ministry, and as long as he lives, the surest appreciation and the most helpful friendship.

If Mr. Calderon is wise, he will make Mr. Tracy (the present consul here, and formerly chargé d'affaires) his minister plenipotentiary, to co-operate with * * * and myself here as you are working with him in Lima, and no other commissioners are needed. Mr. Tracy is ideal in his Peruvian loyalty—son of an American father at Lima, and a Peruvian mother—is thoroughly and exceptionally intelligent, commands and deserves the highest respect, and is honest and honorable, as few men are. He has from the first been aware of our plans, but has never had and will never have any interest with us. He does not want to be minister, and would make great sacrifices if he accepted the post—would only accept it, if at all, long enough to carry through the peace negotiations, for which * * * is most sadly incompetent. I should add that this suggestion is not only made without Mr. Tracy's knowledge, but despite his repeated refusal to consent to any suggestion of the kind; I only make it in your ear in Mr. Calderon's interest, and leave it wholly to your discretion whether it shall be brought to his notice. Of the utter incompetence of * * * there can be no question, and the recommendation I have made is based upon an intimate acquaintance with Mr. Tracy for the last six months. No other man, I think, could, at this juncture, do Peru so great a service as he, if he would accept the appointment, and I think he would not refuse the necessary sacrifice if the President should ask it.

———— It has been suggested by one of our share-holders that, as the Chilians

say Mr. Calderon may exercise his functions anywhere save under the Chilian flag, that he might, without delay, carry on all the negotiations necessary to our views under the American flag in your own office. The suggestion will not be new to you, and there may be some difficulty in the way unknown to us. I mention it to indicate our readiness to recognize his official acts. We care no more for Chili's decrees in Peru than for the breath of any other aliens.

——— I thank you heartily for the news of the proposed sale of an interest in the Landreau claim to the Chilians. The same interest was offered us during the summer and declined.

If our claim is good at all it takes, practically, everything, and Landreau owners must make terms with us as best they can. We have not only a valid first lien (p. 45, Prospectus), but the mere magnitude of our interest must dominate all others in any event.

I am quite content the Chilians should buy it if they think there is any money in it; but I doubt if they will, because if Peru admits our title Chili would be only buying a kneeling place at our foot-stool, and if Peru denies our title, Chili can buy *that*, and adjudicating it for herself foreclose on Peru with a process that neither the United States nor any other foreign power will for a moment question.

Having delayed *this* intimation until now, I may add that it is no new idea with this company. When we first bought this title we saw three markets for it, and of these three Chili was not the least promising. Of the merits of the original quarrel we know nothing and care nothing. Peru is the under dog, and our sympathies lie with her. There are strong reasons why we should prefer to deal with her, otherwise we should not make her the first offer. But certainly we have not bought this great interest to lay it at the feet of Peru, to use or to refuse as she may choose. We have rights as well as she, and we have abundant alternatives if Peru wishes to challenge us to use them. Of these the Chilian is only one, and is only suggested to make clear the general fact that we have at least *one* alternative. I need not dwell on this point, Mr. Calderon can follow it out for himself.

Nor are we dependent on Mr. Calderon's government. We can wait; all methods are open to us, all delays make in our favor and not against us. It is not for us to hasten, but only to strike when the hour strikes.

If Mr. Calderon wishes speed he can have it; we are ripely ready whenever he is ready. The moment he cables me the proper assurances he will find me responding like an echo; till then I wait.

My telegraphic address (cables) is Jacket (JACKET), New York.

It might be better still for you to cable * * * in cipher.

——— If now, my dear sir, you see your way clear to work with us I will bury all the past and you shall find in me a true partner. Certainly, I ask nothing of you but that you serve the interests of the whole United States and of Peru at the SAME MOMENT.

With great respect, your obedient servant,

JACOB R. SHIPHERD,
President.

No. 377.

Mr. Hurlbut to Mr. Blaine.

No. 29.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 23, 1881. (Received December 21.)

SIR: The evidences of an intention to occupy Peru for an indefinite time are multiplying.

The Chilian authorities are preparing a full system of internal government, including judicial functionaries. They are carefully examining all sources of internal revenue heretofore belonging to Peruvian authorities, and announce the intention to collect all these by their own officials.

It is stated that this new order of things will go into effect on the first of December. The effect of such a declaration will be disastrous to all foreign interests in this country and will at once revive war in its worst form.

The custom-houses now yield to Chili from nine to ten millions per annum. Add to this the internal revenues, and it is evident, that so far as the Chilian Government is concerned, they will make money by the occupation. But the occupation, to be effective, must be in military force much greater than now, and the weakness of Chili consists in its small population. The steady drain of effective men is beginning to be felt severely by that class who furnish the rank and file, and the complaints are already serious. And if this be the case now, when half or more of Peru is anxious for peace, and takes no active part in the war, how much more serious will it be when the whole effective population of Peru perceives that nothing is left them but war if they desire any portion of independence.

The military occupation of Peru declared as a definite policy, will compel an outer line of armed Peruvians, and effectually close all access to the interior.

Thus commerce will either be prevented or double duties, Chilian and Peruvian, collected, and the coast cities which live upon the commerce of the interior will rapidly decline. Our interest in the general commerce of Peru is not as large as that of England or France, but it is worth protection. Our internal interests are very large, for the three great railways of Peru are owned and controlled by Americans, and are even now paralyzed.

The establishment of this policy by Chili means absolute ruin to these interests, involving many millions of dollars.

Irregular warfare, thoroughly possessing itself of the interior, will breed rapine, violence, and all possible evil.

The only thing outside of foreign interference which I see to hinder Chili from inaugurating these evil days, is her want of population. I see, on inspection of the new troops, that they are largely composed of boys. I learn that labor is very scarce in Chili; that as high as seven soles a day has been offered for ordinary laborers on railways; that recruiting, even with heavy bounties, is a failure.

These facts, which I believe to be well founded, may incline the rulers of Chili to peace, otherwise we must look for military occupation. To-day (the 23d November) I received an official letter from Vice-President Montero, dated at Cajamarca, a translation of which is inclosed. I am also in receipt of reliable information that Cacères has forbidden Piérola to come within his command, and that a battalion sent by Piérola from Ayacucho to put down the movement in Cuzco, has joined the constitutionalists, and that a force, both from Cuzco and Arequipa, is in motion upon Ayacucho. I sincerely wish that Mr. Calderon could be restored to the country, as he is undoubtedly the man of most brains and education. No dispatches came to me by the last mail, and as the one to arrive on Saturday makes no connection with the United States, I do not expect anything.

I received a telegram from you, dated the 16th November, which I answered on the 17th. I had acknowledged the receipt of the telegram which you date as of 31st of October, but which came to me with date of 2d November on the 3d, but made no other answer until called for by your telegram of 15th November.

I am, sir, &c.,

S. A. HURLBUT.

[Inclosure in No. 29.—Translation.]

Mr. Montero to Mr. Hurlbut.

CAJAMARCA, *November* 11, 1881.

SIR: Faithful to the indication given to your excellency in my letter of the 23d of the past month, that I would direct my conduct in the sense of uniting the country under the constitution of 1860, I called a popular meeting for that purpose, and, as you will see by the proceedings published in the newspaper La Realidad, which I have the honor to inclose, this department and the army of the north have proclaimed for constitutional order, recognizing the authority of His Excellency Señor Don F. Garcia Calderon, and passing a vote of thanks to the Government of the American Union, which you so worthily represent, for its elevated and philanthropic conduct in reference to the questions between my country and the Republic of Chili.

In giving you this information, it is a pleasure for me to assure you that, seconded, as in a short time it will be, by all the other departments of the north, the National Union will soon be an accomplished fact, with which valuable aid, and with the noble intentions which animate your government, it should be easy to obtain a satisfactory solution of the terms of peace hereafter to be celebrated.

I avail myself of this opportunity to reiterate to your excellency the sentiments of my high esteem and respectful consideration, asking, at the same time, that you will please inform your government of the facts above stated.

God guard you.

L. MONTERO.

No. 378.

Mr. Blaine to Mr. Hurlbut.

[Telegram.]

WASHINGTON, *November* 26, 1881.

HURLBUT, *Minister, Lima:*

Special envoy extraordinary leaves Washington for Peru immediately. Continue recognition of Calderon government.

BLAINE.

No. 379.

Mr. Blaine to Mr. Elmore.

DEPARTMENT OF STATE,
Washington, November 26, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant in relation to the telegram informing you of the adhesion of the Peruvian Admiral Montero to Señor Calderon's government, and of measures taken by the authorities of Chili against that government.

Accept, sir, &c.,

JAMES G. BLAINE.

No. 380.

Mr. Blaine to Mr. Hurlbut.

No. 21.] DEPARTMENT OF STATE,
Washington, November 30, 1881.

SIR: You have already been made acquainted, by my No. 19, of the 22d instant, with the determination of this government to send a special

mission to South America for the purpose of adjusting whatever questions, growing out of the contest between Chili and Peru and Bolivia, may affect the relation of the United States to the three belligerent powers, or conduce to the restoration of good understanding among them.

I have now to inform you that William Henry Trescot, esq., of South Carolina, has been commissioned as Spanish envoy, with the rank of minister plenipotentiary, to the Republics of Chili, Peru, and Bolivia, and will forthwith set out upon his mission.

The commission which Mr. Trescot receives will not supersede the ordinary duties of yourself and your colleagues at Santiago and La Paz; but all communications and negotiations connected with the settlement of the pending difficulties between Chili, Peru, and Bolivia, so far as this government may deem it judicious to take action, will be transferred to Mr. Trescot's charge.

Under the instructions which have been given to Mr. Trescot, he will place himself in direct communication with the several governments to which he is thus specially accredited. It is, however, expected that he will learn from you and your colleagues the exact condition of existing political relations, and receive such suggestions as your recent experience may enable you to submit for his consideration. The action he may take, however, must be decided upon his own responsibility and in the exercise of his independent authority.

Mr. Trescot will be accompanied on this important mission by the Third Assistant Secretary of State. As it may be necessary to consult the representatives of the United States in Chili, Peru, and Bolivia at the same time, or to conduct a simultaneous negotiation with those governments, Mr. Trescot is empowered by the President of United States to authorize Mr. Walker Blaine to represent the United States at any point where this necessity may occur.

I am, sir, &c.,

JAMES G. BLAINE.

No. 381.

Mr. Hurlbut to Mr. Blaine.

No. 30.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 30, 1881. (Received December 21.)

SIR: Since my last no event of any importance has occurred in Lima. On the 28th November, I received a telegram from you, announcing the speedy departure from the United States of a special envoy, and also directing me to continue to recognize the Calderon government.

On the same day I received letters from Mr. Rafael Villanueva, Secretary-General of the Vice-President, giving notice of his acceptance of the office to fill the vacancy occasioned by the seizure of President Calderon, copies of which papers, in translation, I forward as inclosures.

I have answered these by a formal communication acknowledging Admiral Montero as the lawful head of the Constitutional Government of Peru, which will go forward to him to-morrow.

I shall take no further steps until the arrival of the special envoy.

I am, sir, &c.,

S. A. HURLBUT.

[Inclosure 1 in No. 30.—Translation.]

Copy of law, October 4, 1881.

FRANCISCO GARCIA CALDERON, Provisional President of the Republic.

Inasmuch as Congress has passed the following law:

The Congress of the Republic of Peru, considering that, for the preservation and security of the constitutional order, it is indispensable to name the person who shall replace the President of the republic when from any cause he shall be precluded from exercising supreme authority, has passed the following law:

ARTICLE 1. In case that by reason of any impediment the actual Provisional President shall be unable to exercise the supreme authority, Rear-Admiral Lizardo Montero shall take his place, and shall in such case take charge as chief of the executive power, with the character of first vice-president of the republic during the existence of the state of war with Chili, and until treaties of peace shall be ratified, the republic return to peace, and the people in accordance with the constitution shall designate the officers who shall exercise the executive functions.

ART. 2. Rear-Admiral Lizardo Montero, upon entering upon the duties of said office, shall take an oath before any court of judicial authority in the republic.

Let this be communicated to the executive for such action as may be required to enforce it.

Given in the hall of session at Lima, this 29th of September, 1881.

T. T. ELGUERA,
President of Congress.
L. GARCIA,
Secretary of Congress.
ISAAC ABRAMORA,
Secretary of Congress.

Therefore it is my order that the same be printed, published, and circulated, and the terms of the same fulfilled.

Lima, 4 October, 1881.

F. GARCIA CALDERON.
M. VELARTO.

[Inclosure 2 in No. 30.—Translation.]

Diplomatic circular.

CAJAMARCA, *November* 15, 1881.

SECRETARY-GENERAL OF STATE:

SIR: On account of the act committed by the enemy of Peru, by imprisoning and carrying beyond the Peruvian territory his excellency Francisco Garcia Calderon, Provisional President of the Republic and the minister of foreign affairs, Manuel Maria Galvez, his excellency the first vice-president, Rear-Admiral Lizardo Montero, has to-day assumed supreme power, having first taken the prescribed oath of office before the superior tribunal of justice in this district, in fulfillment of the law of the 4th October last, a copy of which is herewith transmitted.

The government is therefore established for the present at this city while the necessities of the nation demand it; and it becomes my duty to inform you that by supreme decree of this date, I have been charged, until a cabinet is formed, with the service of the different branches of public administration, which appointment offers me the satisfactory occasion of offering to your excellency the facilities necessary for any matters of state which require diplomatic intervention.

His excellency deplores profoundly the events which I have mentioned in the beginning of this dispatch, not only on account of their import in themselves, but because they sharpen the points of difference between the belligerents, and for the effect upon the country of the seizure of its chief magistrate.

Availing myself of this opportunity, I have the honor to assure your excellency of the sincere purpose which animates my government to draw closer the relations of sincere friendship which fortunately unite Peru with the United States of America, to the end that they may reciprocally furnish the means which may be necessary for that future greatness to which both countries have the right to aspire. With sentiments of the most profound esteem, I have the honor to subscribe myself.

Your excellency's faithful and obedient servant,

RAFAEL VILLANUEVA.

His Excellency S. A. HURLBUT,
Envoy Extraordinary and Minister Plenipotentiary, United States of America.

[Inclosure 3 in No. 30.—Translation.]

Mr. Villanueva to Mr. Hurlbut.

CAJAMARCA, *November* 18, 1881.

SIR: I am charged by his excellency the first vice president of the republic with the duty of answering your letter of the 8th November instant.

His excellency properly appreciates the declarations made by you, and, as you will see by the circular which, on the 15th of this month, I forwarded to the diplomatic body residing in Lima, all the prescriptions of law have been complied with, and after taking the proper oath of office the first vice-president, Rear-Admiral Lizardo Montero, has assumed the duties of the supreme executive. His excellency, who duly esteems and recognizes the noble efforts which in your character of representative of the government at Washington, near the Constitutional Government of Peru, you have made toward the adjustment of honorable peace with Chili, has the hope that your excellency will continue to give to his government the same important aid which has been given to that of his predecessor, his excellency F. Garcia Calderon.

I avail myself, &c.,

RAFAEL VILLANUEVA.

No. 382.

Mr. Blaine to Mr. Hurlbut.

No. 25.] DEPARTMENT OF STATE,
Washington, December 3, 1881.

SIR: Since sending my instruction No. 19, of the 22d ultimo, to you, upon a more careful examination of the protocol transmitted in your dispatch of the 5th of October, signed by yourself on behalf of the United States, and Señor Galvez, minister of foreign affairs, on behalf of Peru, for the cession of a naval and coaling station to the United States at Chimbote, I find it difficult to discover what substantial advantages would be gained by this government in the event of its acceptance of the proposed agreement.

I have already had occasion to remark that the time was not opportune for any negotiation for a concession from a power reduced to such extremity as that in which Peru stands to-day, and to call your attention to other grave considerations which should outweigh any apparent temptation to our sense of immediate self-interest in asking or accepting the concession of special privileges in that country.

But the advantages offered by this protocol grow more shadowy as its provisions are more closely examined. The first article concedes to the United States the right to establish a coaling station at Chimbote, and the second immediately adds that this shall not be exclusive; that Peru reserves the right to concede the same facilities to any other friendly power which may solicit them. The third subjects to Peruvian law whatever land might be acquired by the United States for the purposes of a coaling station; and by the fourth article Peru has the right to withdraw all that is conceded by the agreement whenever she sees fit, upon one year's notice.

A naval and coaling station on the South Pacific coast, carefully chosen, with the aid of the professional knowledge of those specially qualified to determine its capacity to answer the wants of our national ships, and over which we might exercise proper and necessary jurisdiction, with a secure tenure, would be of undoubted value, and this government, at a fitting time, may be willing to negotiate upon fair terms

for such a privilege. In the protocol presented I observe that you have, with perfect justice, offered no consideration to Peru for this amiable concession, which would only enable us to enjoy on her shores the same privileges which we substantially possess to-day, and which she is ready to extend to every other power with which she is not in actual war. It has the merit at least of innocent diplomacy; nothing was given and nothing was taken.

While your negotiation of this protocol may be regarded as an error of judgment, involving no serious or lasting consequences, I regret that another proceeding which you report in the same dispatch is of a graver nature, and I cannot pass it by without the most decided expression of disapprobation.

You have commenced an extraordinary negotiation with President Calderon in regard to a railroad company of which you, while American minister, propose to become the trustee or intermediary, the road to be ultimately turned over to an American company, an unfinished road which you say has already cost nine millions of dollars.

The principal terms of the arrangement will be the payment to the Peruvian Government of one million of dollars in money, and the same in paid-up stock, to clear up all existing incumbrances, for which sums they concede the right to construct and operate the road for twenty-five years after it is finished. You consider the grant very valuable and the possibilities of the company very large. The special advantage which the United States may derive from these possibilities is that the price to be charged for coal carried over the road may be limited, as the railroad runs to Chimbote and the railroad arrangement is a sequel to and part of the plan for a coaling station there.

I have learned of this negotiation with profound astonishment and regret.

It is hardly conceivable that under any circumstances whatever your government would consent that its minister should accept such a position, but for the minister himself, without instruction and without permission, to assume the charge of an extensive financial scheme for the purchase, completion, and transfer of a railroad is an utter disregard of every rule of prudence and propriety that should govern the conduct of a representative of the country. At a time like the present, when the ruin of Peruvian interests and the embarrassment of that government in its almost hopeless attempts to contrive a method of raising money have given birth to so many speculative schemes, and filled the press with accounts of contending companies and their enticing proposals, the direct participation of the American minister in a plan for the reorganization of a railway wreck cannot fail to lead to misapprehensions on the part of other governments and distrust of the United States and its minister, whose motives and proceedings would be viewed in the most unfavorable light.

Whether the grant be very valuable or the possibilities of the railroad very large, or the profit of the speculation great or not, are questions of little moment compared to those higher considerations of national interest and dignity which should govern every act and every word in the intercourse and dealings of this nation with others, as conducted by a representative clothed with its power and charged with its interests and its honor. The construction of a railroad and the cheapening of coal may be laudable enterprises in themselves, but this government does not send its envoys abroad to undertake them. It is inconsistent with the first duty of a diplomatic agent to assume such functions; and however disinterested or innocent might be his design, it

would inevitably awaken surmises prejudicial to his standing and would impair, if not destroy, his influence with his colleagues and with the people of the country to which he was accredited.

With some relief I note that this negotiation was not wholly completed at the time of writing your dispatch. I presume it was broken off by the arrest of President Calderon; but I would be better pleased to learn that upon mature reflection the impropriety of engaging in such a project and undertaking functions so incompatible with your representative character had occurred to your own mind, and that you had abandoned it altogether.

If, on the contrary, you have actually endeavored to carry it out by any compact or convention with the Peruvian Government you will at once notify it that the project is disapproved, and will not be ratified; and you will abstain from taking any further steps in the name of the United States tending to the acquisition or control of the railroad or the interference in any way whatever in that enterprise so long as you are minister from the United States.

I am, &c.,

JAMES G. BLAINE.

No. 383.

Mr. Blaine to Mr. Hurlbut.

No. 26.] DEPARTMENT OF STATE,
Washington, December 5, 1881.

SIR: Your No. 25 of the 2d ultimo, in relation to the Cochet claim, has been lately received. I have pleasure in expressing my appreciation of your course, as detailed therein, with regard to Mr. Shipherd's advocacy of that claim, and especially your action in sending hither the correspondence in the case.

The inclosed copy of a letter which I have addressed to Mr. Shipherd shows that I entertain a no less decided opinion than you have held as to the indecency and dishonor of his attempts to influence diplomatic consideration of this claim. Perhaps I should mitigate somewhat the severity of my language in view of the possible fact, pertinently suggested by you, that Mr. Shipherd is not wholly in his right mind.

In a late instruction I referred to the Peruvian Company as composed of reputable gentlemen in New York. I am led now to believe that the eminent New York gentlemen, claimed to be associated in the company, are as ignorant of the use of their names as I have been of the remarkable and absurd statements which Mr. Shipherd attributes to me in his letters to you.

Yours, &c.,

JAMES G. BLAINE.

No. 384.

Mr. Hurlbut to Mr. Blaine.

No. 32.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 7, 1881. (Received January 4, 1882.)

SIR: On the 28th of November, 1881, at the city of Tarm a, Mr. Pié

rola issued a formal decree abandoning his position as President, and turning over all his troops and other means to General Carceres. He also published a short proclamation. Both of these documents I inclose in translation.

Having been furnished by the Chilian authorities with passports and safe conduct, he is now in this city. He has said that he will leave by steamer to-morrow. I do not believe it.

I find that preparations are being made for a public meeting for next Sunday, to insist upon his retaining office. Such meeting can only be had with the consent and by the connivance of the Chilian authorities, and would in any event be worthless as an expression of public opinion.

Sir Spencer St. John, the English minister, is behaving very singularly and indecorously in these affairs. He learned the other day, in a very vague form, something about the Chimbote protocol, and has proceeded to the singular length of writing out the points of a "secret treaty" between the United States and Peru, which he is exhibiting in clubs and other public places, and which he induces people to believe is genuine.

In the same spirit he has induced the Chilian authorities to believe, or to effect to believe, that a "secret treaty" of vast importance has in fact been executed, giving in ownership to the United States the entire bay of Chimbote, and some square miles of territory, and the railroad, with exclusive civil and military jurisdiction and power to erect fortifications, besides many exclusive privileges.

If Mr. St. John had ever said anything to me on the subject I should have probably told him the facts as they were.

The death of General Kilpatrick, which took place on Friday night of last week, was communicated to me by telegraph. I hoisted the legation colors at half-mast.

I hope and believe that the envoy now on his way will be ready and will be ordered to supply his place, and with such full information from the Department that he will be ready to act promptly.

One of the Chilian papers just received contains the following news from Santiago, which I send for what it is worth:

It is said that General Kilpatrick has received a note from his government, disapproving the apprehension of Calderon, and that he is directed to communicate such disapproval to the Chilian Government, waiting for the arrival of the minister to treat directly. It is added that the Chilian Government answered that it would act as best became its duties and its interests.

December 1, 1881.

General Charles Adams arrived here last Saturday on his way to Bolivia. He will leave on Saturday morning (10th) for Mollendo, thence by railway to Puno and La Paz. As instructed by personal letter of the Secretary of November 9, I have given him copies of my instructions, and advised him of what has transpired here.

To-morrow, the 8th, a meeting of the diplomatic corps will take place to consider the letter addressed to them by Montero.

I cannot predict their action, for it is one of the difficulties of this situation that the logic of events seems to have no force, and it is possible that the Chilians may even yet treat with Piérola to foment discord, and will be supported in so doing by the French and English ministers.

I am, sir, &c.,

S. A. HURLBUT.

[Inclosure 1 in No. 32.—Translation.]

DECREE.

NICOLÁS DE PIÉROLA, *President of the Republic and Protector of the Native Race.*

Considering:

1st. That the desertion accomplished by the commanders-in-chief of the army, Col. José de la Torre and Rear-Admiral Lizardo Montero and Brigadier-General Andres A. Carceres, deprives the government of the means of maintaining the national defense, precisely at the time in which, having accumulated new elements for war, in concert with our ally, the Republic of Bolivia, we had commenced the plan of operations against the enemy.

2d. That notwithstanding the manifest will of the people, and of the majority of the revolted forces, and the attitude of those which remain loyal, it would become necessary to enter into an armed strife within the country, in the presence of the enemy, thereby destroying the elements of national defense, which should be preserved at all hazards.

In conformity with the vote of the ministers of state I resolve:

ARTICLE 1. To discharge myself from the government of the republic, confided to me by its people and confirmed by the national assembly in July last.

ART. 2. The political officers and commanders of forces who have not been deprived of their authority by the rebellion will surrender up such authority to the military officer commanding the garrison of the Quebrada of Huarochiri (this means General Carceres).

The ministers of foreign affairs and of justice, who also have charge of the other portfolios, are charged with the execution of the present decree, and of its publication and circulation.

Given in the city of Tarma this 28th day of November, 1881.

NICOLÁS DE PIÉROLA.

AURELIO GARCÍA Y GARCÍA.
PEDRO A. DEL OLAR.

[Inclosure 2 in No. 32.—Translation.]

PROCLAMATION.

The President of the Republic to the Nation.

FELLOW-CITIZENS: My duty to the country which elevated me to its government in moments of extreme necessity has been fulfilled without hesitation or rest during two years, in spite of all obstacles and at the cost of all sacrifices. I fulfill this same duty now in separating myself from command and from the country, in the fearful situation created in Peru by the bad elements within her bosom. This same duty imposes silence on me. May Providence save the nation from the abyss opened before her by her own sons.

TARMA, *November* 28, 1881.

No. 385.

Mr. Hurlbut to Mr. Blaine.

No. 33.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 11, 1881. (Received January 4, 1882.)

SIR: In my last (No. 32) I mentioned the extraordinary conduct of Sir Spencer St. John, the British minister. I have learned since that time that the Chilian Government has acted upon this information, and that they have telegraphed to their several diplomatic agents in America and Europe in accordance with the false and exaggerated information furnished them from that source. I am also informed, though I scarcely believe it, that the English, French, and Italian ministers here have given like information to their respective governments.

The purpose of all these communications is to give color to the idea of annexation, or at least protectorate, on the part of the United States.

Stimulated, undoubtedly, by this same information, the Chilian military authorities of this city made a domiciliary visit to the house of Mr. Calderon, occupied by his wife and family, and instituted a severe but ineffectual search for the alleged treaty. They arrested Mr. Velarde, one of Calderon's late ministers, and demanded a literal copy. Mr. Velarde stated that he had no such document in his possession. They then pressed him to ask for a copy from me. He did so, and I answered that if the Chilian commissioners wished anything from me it was their duty to make the request, which, if at all proper, would be at once attended to as coming from the representatives of a friendly nation, but that a copy of public documents could only be had by consent of the government at Washington.

This request they have not yet made.

Having made up my mind that all this came from the indiscreet and indecent action of Sir Spencer St. John, I addressed him an official note, a copy of which is inclosed, dated December 9, 1881. This note was sent to him at 8.30 a. m. of 10th December, and at 10.30 a. m. he came to my house and we had the interview, a statement of which I inclose.

It appears to me that his excuse, as given by him, is frivolous, and a very weak invention, and, if anything, aggravates his fault. If he had believed the trash he gave out there would have been some excuse, but it is apparent that his sole object was to make mischief and create an ill feeling throughout America and in Europe against the United States.

It is needless to add that I do not believe a word of his excuse, for I am advised by many gentlemen of good standing, Americans, Germans, and French, that he deliberately induced the impression on their minds that there was foundation for the story.

It is for you, sir, to determine whether the foreign office in London ought to be informed of this extreme misconduct on the part of this personage.

I am, &c.,

S. A. HURLBUT.

[Inclosure in No. 33.]

Mr. Hurlbut to Sir Spencer St. John.

LEGATION OF THE UNITED STATES,
Lima, Peru, December 9, 1881.

Sir SPENCER ST. JOHN,
Minister Resident, Her Britannic Majesty's Legation, Lima:

MY DEAR SIR: I have been informed by several gentlemen of good standing that for some time past you have exhibited in places of public resort a supposed version of an assumed treaty between Peru and the United States. It is further stated that although not affirmed by you to be a literal copy, the impression is made that it is substantially accurate. The contents as reported to me are extraordinary and absurd. Your position gives a certain weight and importance even to extra-official action.

As you appear to have given publicity to this extravagant version, and as I can easily conceive that such version may, in the present state of affairs, produce complications, I request you to admit the representative of the United States into the confidence you have so liberally bestowed upon the public, and to furnish me a copy of the version alluded to.

I ask this as the representative of my government, so that the information, which it is my duty to forward, may be completely authentic. Personally I attach no sort of

importance to the affair, but as there are weak-minded and credulous persons who have been or may be impressed with mistaken notions, I should like the exact truth in place of information at second hand. I trust I need not say to you that the relations between our respective governments, and I hope between ourselves, have been such that any inquiry from you at this legation would have met with satisfactory reply.

I have, &c.,

S. A. HURLBUT.

Memorandum of interview between Mr. Hurlbut and Sir Spencer St. John.

The above letter was delivered at 8.30 a. m. December 10. At 10.30 of the same day Mr. St. John came to my house and stated, that he had just received my letter; that he had shown to several persons a draft of a supposed treaty which he himself had noted down, consisting of six articles; that he had done it as a joke to show the credulity of the Peruvians by embodying in form the rumors current on the streets; that it was never intended to be serious, and that he had so informed every one to whom he had shown it; that the propositions were so absurd that he never supposed any one would believe them; that he had destroyed the paper and consequently could not give me a copy.

I remarked that practical jokes on such questions at the present time and by one in his position were very dangerous, and that I should inform my government fully in the matter, and also correct from his own statement the stories current in the city, and that I regretted that he did not choose to give me his statement in writing.

The above is an accurate statement of the substance of the conversation.

S. A. HURLBUT.

No. 386.

Mr. Hurlbut to Mr. Blaine.

No. 34.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 14, 1881. (Received January 4, 1882.)

SIR: I wrote you in my last (No. 33) by the Italian naval vessel Christopher Columbus specially in regard to the singular conduct of Sir Spencer St. John.

On the 8th of December, at a meeting of the diplomatic corps, an official copy of Piérola's decree of renunciation and proclamation was read. It is the same of which I sent you a translation in my No. 32.

Montero, as vice-president, has been promptly recognized in Arequipa, but as yet Carceres has not come out. I hear from him every week, and he promises faithfully; I feel sure that he will do it.

Montero also sent an official communication to the diplomatic body, asking recognition. As yet no joint action has been taken, and I believe that the English and French ministers will not recognize any one until Chili leads the way.

Piérola is still in the city. On last Sunday there was an attempt to get up a public meeting in his interest, but the attendance was small and disreputable, and the military authorities dispersed it.

On the 9th December the Chilian authorities seized the municipalidad, which is the local government of the city and its surroundings, and have taken full charge.

I do not know their purpose; it may be evidence of permanent occupation or it may be that they want better police.

General Charles Adams went to sea on Saturday on the United States ship Adams (10th December), and after proceeding 100 miles or so the engine broke down and the ship came back under sail. He was quite at a loss what to do, as it will take a week to repair, and consulted with me. I recommended him to wait for repairs and also for the arrival of Messrs. Trescot and Blaine, from whom he could undoubtedly receive very valuable information, which otherwise would be required to be sent by special messenger.

I trust this conduct will be approved, as in fact no time will be lost, and further that Mr. Adams may not suffer pecuniary loss by being unable to complete his voyage in the time limited.

I have just heard from Santiago, from a correspondent who is generally well informed, that before his death General Kilpatrick executed and sealed up a document stating that his note to Valmaseda had been extorted from him, when he scarcely had his senses, and was wholly unfit for the transaction of business.

If this is not true, it is at least probable.

I have the honor to be, sir, &c.,

S. A. HURLBUT.

No. 387.

Mr. Hurlbut to Mr. Blaine.

No. 35.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 15, 1881. (Received January 4, 1882.)

SIR: After closing my regular mail the streets last night were filled with the following extra, which I have only time to translate:

[The Comercio of Callao. Bulletin gratis.]

THE UNITED STATES AND THE WAR OF THE PACIFIC.—THE CONDUCT OF HURLBUT DISAPPROVED BY HIS GOVERNMENT.

To the Minister Altamirano and Novoa:

Our minister in Washington advises:

1st. That Trescot and Blaine, junior, come to Chili and Peru to study the situation, and to harmonize the American minister without any hostility towards Chili.

2d. That the protocol subscribed by Hurlbut and Garcia Calderon, by which Peru cedes to the United States the port of Chimbote for a naval and coal station has been disapproved by the Government of the United States, and communication sent to Hurlbut disavowing his agreement.

3d. That in his message to Congress the President of the United States manifests the attention with which he follows the war of the Pacific.

That his desire for a peace which may check blood and misery, and the fact that the position of the United States is badly understood in America, and his observation that diplomatic questions have been separately and independently treated (alluding to Hurlbut and Kilpatrick), thereby causing misunderstandings, have induced him to send special ministers, who may harmonize friendly relations.

This bulletin has flooded the whole of this city and Callao, and as it is distributed *gratis* it is undoubtedly the work of the authorities.

Steamers left yesterday evening for the south and to-day for the north.

There is nothing very special in the telegrams when dissected, but I think it a Piérola move.

Yours, &c.,

S. A. HURLBUT.

No. 388.

Mr. Hurlbut to Mr. Blaine.

No. 36.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 17, 1881. (Received January 17, 1882.)

SIR: I forward with this another set of papers from Mr. J. R. Shipherd and my answer. I have tried to stop this gentleman, but in vain.

I request that his letters may be read carefully, as they are very singular and very audacious, and that they be retained in the department for future use, if need be.

I am, &c.,

S. A. HURLBUT.

[Inclosure 1 in No. 36.]

Mr. Hurlbut to Mr. Shipherd.

LIMA, *December* 17, 1881.

JACOB R. SHIPHERD, Esq., *New York*:

SIR: I have tried, as far as I could, to make you understand that I cannot have, and ought not to have, anything to do with your company or yourself as its agent, or with any other similar.

Both my general and particular instructions forbid me from taking notice of such matters, unless referred to me by the Department of State. Once more, and for the last time, I repeat this statement.

I shall return your papers to the Secretary of State, as I have done the others, and definitely close all correspondence with you, unless directed by the Department.

Your obedient servant,

S. A. HURLBUT.

[Inclosure 2 in No. 36.]

Mr. Shipherd to Mr. Hurlbut.

THE PERUVIAN CO., 10 SPRUCE ST.,
New York, November 14, 1881.

SIR: It occurs to me to advise you of the important fact apropos of your mention of the proposed sale of Theophile Landreau's interest to the Chilians that it is notoriously charged, and frankly admitted here by all who seem to be well informed in the premises, that both the Landreaus not only long since parted with all their interests in what is known as the Landreau claim, but have ever since unscrupulously continued to offer and to sell to whomsoever would buy additional, and of course purely ideal, shares *ad libitum*; indeed the sum of my information is that they have in this manner resold the entire claim at least three times.

It is obvious that if the Chilians should pay in good faith a large sum for a bad title, the present complications, which would seem sufficient, must be gravely increased. I am now engaged with persons who think the original title can be reached and disentangled, but this is by no means certain. Of the gross oversale there can be no question; nor can it be doubtful that whatever the title the claim must be subordinated to Cochet's, and can have no value until Cochet's demands shall have first been satisfied.

I may safely place these facts at your command, and rely upon your discreet use of them to prevent needless trouble.

I am, &c.,

JACOB R. SHIPHERD.

[Inclosure 3 in No. 36.]

Mr. Shipherd to Mr. Hurlbut.

THE PERUVIAN CO., 10 SPRUCE ST.,
New York, November 15, 1881.

SIR: * * * writes me, "Hurlbut telegraphs that the Chilians have captured Calderon and carried him to Chili." * * * adds, "There must be trouble now. Have * * * do his duty. American influence in America is at an end if Chili can slap our face as flatly as this."

We heard also by cable of Montero's acceptance.

We appreciate the gravity of the new issues, and the new problem which you must now face. The letters I inclose with this were already written when * * * letter came to hand, and I will not now change them. The need for a protectorate is but increased by all that has happened, and I doubt not Chili will continue to force the issue. Our people hope she will. What we want is our government at the fore, and all winds that blow that way fill our sails.

I reply to * * * "I totally agree with you as to Chili. She must unconditionally return Calderon to executive liberty, or we must all take partners for the dance. I trust Mr. Blaine will plant his flag and his guns right there; and he will, won't he?"

I shall consult * * * to-day, and he and I may go to Washington on Thursday.

We shall do what lies in our power to second all the vigor you have used on the main issue.

I am, &c.,

JACOB R. SHIPHERD.

[Inclosure 4 in No. 36.]

Mr. Shipherd to Mr. Hurlbut.

THE PERUVIAN CO., 10 SPRUCE ST.,
New York, November 15, 1881.

SIR: Since my note by the last steamer the question of a definite protectorate has grown in relative importance, and is now being seriously discussed.

The general sentiment among our people, as among our advisers—and you will not forget that we include representative men and advisers of all factions and parties, and I may say once for all that no suggestions will be found in this correspondence which have not in the precise form here set down first received the concurring approval of all who advise the executive of this company. I say it is now the general sentiment of our people that there should be a protectorate if the Peruvian Government as such is to be saved. Our information is that the national debilities, of which the more vigorous Chilians have so easily taken advantage, are too deeply seated to be already purged by those adverse fortunes which do sometimes purge a people, and that the factional dissensions of the country present separate problems equally unpromising.

Assuming that our plans succeed we must inevitably accept the general responsibility of maintaining order, and to this end we must seasonably determine a controlling policy

We may, no doubt, arrange with the Chilians for aid, but an American protectorate seems to promise more satisfactory results, all things considered.

Upon this general question, however, we shall be glad to receive and carefully to consider your matured advice.

The more immediate purpose of this note is to suggest that if Mr. Calderon desires direct aid from Washington he shall lose no time in asking for it.

That he should ask it, and not merely in his executive capacity but under conditions which will show clearly that the prayer is the prayer of his people, is an obvious prerequisite to any consideration of the question by the President or by Congress.

If I were at liberty to use names I might give that of * * * authorized to speak directly for * * * whose suggestion is that Mr. Calderon accredited a special deputation of, say, three of his ablest men to come at once to Washington to present to the President for transmission to Congress—which will be in session when this reaches you—a formal application for a protectorate; that this deputation have full powers and remain here at the command of Congress until the application shall be finally disposed of.

The sentiment of our people seems to be unanimous upon such points as these.

I. The only ground upon which such an application would receive any favor, and, therefore, the only ground upon which the petition should by its own terms rest is that there are now in Peru very large American interests demanding and being clearly entitled to American protection, and these may be specified generally as—

1. The interests of this company.
2. The interests represented by Mr. W. H. Cilley.
3. The Landreau claim, concerning which you have already been instructed.
4. Lesser interests in the aggregate.

These specifications might well be enforced with reference to the fact that the Monroe doctrine and the more recent and now definitely named "Blaine doctrine" render the intervention of any European power impossible, and there might be a reference in this connection to Captain Eads's American ship-railway project which is to be before Congress this winter, and which * * * tells me he shall now heartily favor and with which I may add we shall probably give hands for future use.

II. No suggestion would be entertained at Washington, or by our people at large, or would be favored by this company, which looked, however indirectly, to the assumption by our government of any pecuniary liability whatever. All the expenses of the protectorate itself must be paid, sooner or later, by Peru, and no proposition for a guarantee of any of Peru's obligations would be considered for a moment; more than this, an application not *expressly excluding* all possibilities of this kind would probably defeat itself. The *strong hand* of the United States as a *helping* hand will probably be extended if this above is asked for.

III. The application will only succeed if actively supported by the now very influential voice of this company, and the deputation should be instructed to present only such an application as this company shall, in advance, entirely approve. Upon this point I will go so far as to say that it is the corner-stone of the whole case.

IV. If any application of this sort is to be attempted you will yourself see that not a moment is to be lost.

So important a question would be debated for months, and unless introduced very early in the session would probably fail for mere want of time.

You should advise me by cable the moment a decision is reached. I could then utilize the weeks intervening the arrival of the commissioners to excellent advantage.

V. It is not now believed that a protectorate if granted need continue more than a few years. The return of peace under a government absolutely stable would rapidly restore normal conditions, and the development of the comprehensive plans of this company would, at no distant day, establish a condition of things under which foreign aid would cease to be useful.

It is advised that the application would be almost certainly granted if made in this view, but no proposition for annexation would be considered, and a permanent protectorate would look like annexation under a thin disguise. In a word, *temporary* aid under the conditions suggested could hardly be refused; a permanent, or probably permanent, governmental responsibility at so great a distance would probably be declined.

It will occur to you without suggestion that in any event the more modest the prayer in the first instance the more likely it is to be granted, and that if our government does but once undertake to compose the pending difficulties it may be safely set down that she will not stay her hand until the whole work is thoroughly done, no matter what the cost of success may finally turn out to be; here, as elsewhere, it is the first step only that costs, and if it is *effectual help* that Peru wants her supreme wisdom is to make her prayer effectual in the first instance.

If she will follow strictly the advice I give her, she will be certainly saved.

I shall at all times value such information and advice as you may think it opportune to supply.

I am, &c.,

JACOB R. SHIPHERD.

[Inclosure 5 in No. 36.]

Mr. Shipherd to Mr. Hurlbut.

THE PERUVIAN CO., 10 SPRUCE ST.,
New York, November 15, 1881.

SIR: I decide to say a word to you in exceptional frankness, perhaps, but in a temper which I trust will vindicate the utterance.

I assume that you may, upon all I have already written, and upon the change of administration, not unnaturally query what bearing the course of events is likely to have upon your continuance at Lima. I am, perhaps, better situated than any other individual to throw light upon this question, and deem it perhaps a duty to do so.

I therefore remark:

1. That your failure to call upon me before sailing was most unfortunate.

In the premises our people deem the omission inexplicable upon any admissible grounds.

2. Whether, through any fault of yours or not, the impression has had wide currency at Lima and elsewhere that you had substantially identified yourself with the cause represented by the notorious Suarez—a cause which our government had peremptorily and persistently refused to aid, even before it became a rival of American interests.

3. The notable indifference to our interests and the inexplicable treatment of the inclosures intrusted to you I referred to in my reply to yours of October 1.

These circumstances, taken together, had determined our people to demand your unconditional removal, when your letter of October 1 opportunely arrived. We now, so far as ourselves are concerned, wait further advices. I cannot suppose that you

should think it strange that we should view the duty of a minister in your circumstances as we do. But the tide has turned, and you cannot need any announcement to acquaint you with the fact that the new Secretary, who is expected to take office early in December, will be politically in sympathy with those who have the ear of the President, and who have substantial reasons for seeking your removal.

If you shall henceforth support American interests (which alone you are commissioned and paid to promote) as heartily as you have so far supported Peruvian and Calderonian interests, you may be sure that we shall not ask your removal, and on the contrary, as at present advised, we shall definitely favor your continuance; but if you are to champion all other interests before ours we shall certainly call for a change, and we have the most substantial reasons for believing that such a call will be affirmatively answered whenever made.

Upon the whole record what I so frankly say need not be misconstrued. It is pure frankness and nothing else. As I have constantly said we expect only of you the attitude and the services which in our judgment are compelled by the very nature of the office you hold. That attitude and those services will meet not only all our needs, but our utmost wishes. If you stand for us at the front as your chief stands for us at Washington, you will certainly not be liable to criticism for too much zeal, and still you will do all we ever desired you to do.

So far you have fallen infinitely below that level, and if I were less frank in saying so I should be less sincerely your friend.

I am, &c.,

JACOB R. SHIPHERD.

[Inclosure 6 in No. 36.]

Mr. Shipherd to Mr. Hurlbut.

THE PERUVIAN CO., 10 SPRCUE ST.,
New York, November 16, 1881.

SIR: I inclose with this, apropos of a suggestion heretofore made, a copy of * * * brief upon the precedents for a direct treaty between the Government of Peru and the Government of the United States, to cover the essential rights and interests of this company, and as a foundation upon which both Peru and this company may safely ground the proposed agreement between themselves.

* * * concurs in * * * view in a careful memorandum from which I quote:

"I anticipate that the Secretary of State will, without serious debate, admit the following propositions as resting upon constitutional usage from the foundation of the government, viz:

"1. That the President may negotiate treaties through an agent or representative whose designation or appointment has not been submitted to the Senate.

"2. That the government may, in its discretion, make reclamation of other governments in behalf of its own citizens who have suffered injuries, or in any way have been deprived of their rights.

"3. That all treaties, however negotiated, are only valid and binding upon this government when duly ratified by the Senate. The first two of these positions are well established by the authorities cited in the brief, and the third will not be disputed."

* * * also substantially concurs. The suggestion has not been formally submitted to other counsel.

If these views are sound such a treaty might be negotiated at Washington by an accredited minister or commissioner on the part of Peru and such special commissioner as the Secretary of State should designate; or it might be negotiated at Lima by the American minister and such special commissioner as the President of Peru should designate.

It is also apparent that this treaty might conceivably deal with some phases and possibly even with the essence of the suggested protectorate.

I shall be glad to consider such suggestions as occur to you in this connection.

I am, &c.,

JACOB R. SHIPHERD.

In the matter of the claims against Peru owned by the Peruvian Company.

It is agreed that it is very desirable to have a treaty made with Peru without the interference of Chili, for the reason that the latter government would, *first*, if possible, supplant the present Government of Peru by the "bandit mountaineer," or some other

military chieftain, upon condition that he should defeat the treaty; and, *second*, would seek to stir up other governments; and, *third*, would appear in our own Senate for such purpose. Can such a treaty be made?

First. By article 2, section 2, of the Constitution, the President has the power, by and with the advice and consent of the Senate, to make treaties. Is such consent a prerequisite? Nearly three hundred treaties answer to the contrary, and the Constitution makes it no more a prerequisite as to treaties than as to officers.

In some instances the persons representing the Government have been selected by and with the advice and consent of the Senate, notably as to the treaties made with Great Britain, after the adoption of our Constitution and the war of 1812; two treaties with France, which involved claims, and one with Spain, but an overwhelming preponderance of treaties have been negotiated by persons appointed by the President without any reference to the Senate, until presented for approval. These persons have been sometimes ministers plenipotentiary, sometimes ministers resident, then chargé d'affaires, consuls, and special agents or commissioners, and sometimes by the agent of the plenipotentiary, as in the treaty with Algiers, concluded September 5, 1795, ratified March 2, 1796, and as in the treaty with Tripoli, concluded November 4, 1796.

Second. Is it the duty and has it been the practice of the United States Government to conclude treaties relating to private claims?

The first treaty in regard to private claims was concluded November 19, 1794, ratified October 28, 1795, and was with Great Britain. By article 6 of such treaty compensation is provided for debts due to British creditors; by article 7, for losses "by divers merchants and others, citizens of the United States, by reason of irregular or illegal captures."

The treaty with France, concluded September 30, 1800, ratified July 31, 1801, by its fifth article provides for the payment of debts "by the individuals of one with the individuals of the other" nation.

On the 11th of August, 1802, a treaty was concluded with Spain, ratified January 9, 1804, by the third article of which all claims made by citizens of the United States may be presented to certain commissioners.

Charles Pinkney negotiated this treaty for the United States.

On the 30th of April, 1803, a treaty with France was concluded, by the first article of which certain debts due by France to citizens of the United States were provided for

The representatives of the United States were appointed by and with the advice of the Senate.

On the 22d of February, 1819, a treaty was made with Spain by which Florida was acquired, and the United States assumed to pay five millions of dollars of debts due from Spain to citizens of the United States. (See article 11).

This treaty was ratified February 22, 1821, negotiated for the United States by the Secretary of State.

On November 13, 1826, a treaty was concluded with Great Britain, ratified February 6, 1817, by the first article of which twelve hundred and four thousand nine hundred and sixty dollars is to be paid to the United States for the use of the persons entitled. This treaty was negotiated for the United States by Albert Gallatin.

On the 28th of March, 1830, a treaty was made with Denmark, ratified June 5, 1830, by which that government agreed to pay six hundred and fifty thousand dollars on account of the citizens of the United States. This treaty was negotiated on the part of the United States by Henry Wheaton, chargé d'affaires.

On July 4, 1831, a treaty was made with France, ratified February 2, 1831, by the second article of which twenty-five millions of francs were to be paid to the United States to satisfy claims of its citizens (see article 1). William C. Rives acted for the United States.

On the 14th of October, 1832, a treaty was made with the Two Sicily, by which two millions one hundred and fifteen thousand ducats were to be paid to the United States to be distributed among certain claimants, less seven thousand six hundred and seventy-nine ducats, to be retained by the United States for certain expenses. This treaty was negotiated for the United States by John Nelson, chargé d'affaires, and was ratified June 8, 1833.

On the 17th day of February, 1834, a treaty was made with Spain, ratified August 14, 1834, Cornelius P. Van Ness, envoy extraordinary, acting for the United States, by which twelve millions of reals were paid to the United States in satisfaction of all claims.

On the 11th day of April, 1838, a treaty was made with Texas, ratified July 6, 1838, concluded by the chargé d'affaires of the United States, by which the sum of eleven thousand seven hundred and fifty dollars was to be paid to the United States, to be distributed among certain claimants, American citizens.

On the 11th day of April, 1839, a treaty was made with Mexico, John Forsyth, Secretary of State, acting for the United States, ratified April 7, 1840, by which claims of citizens of the United States were referred to four commissioners, two to be appointed by the United States, two by Mexico; the King of Prussia to act as umpire, for any

sum of money found due citizens of the United States. Treasury notes were to be issued.

On the 30th of January, 1843, a further treaty was made on the same subject, ratified March 29, 1843, Waddy Thompson, envoy extraordinary, acting for the United States.

On the 17th of March, 1841, a treaty was made with Peru, James O. Pickett, chargé d'affaires, acting for the United States, by which three hundred thousand dollars were to be paid to the United States for claims of its citizens, proclaimed February 21, 1844.

On the 27th day of January, 1849, a treaty was made with Brazil, David Todd, envoy extraordinary, acting for the United States, ratified January 18, 1850. by which five hundred and thirty thousand milreis were to be paid to the United States for the claims of its citizens. (Articles 1 and 2.)

On the 26th day of February, 1851, a treaty was made with Portugal, ratified June 23, 1851, Daniel Webster, Secretary of State, acting for the United States, by which certain claims presented by the United States on behalf of the officers and crew of a privateer should be referred to some sovereign of a friendly nation.

On the 8th day of February, 1853, a treaty was made with Great Britain, Joseph Reading Bissell, envoy extraordinay, acting for the United States, ratified July 26, 1853, by which it was agreed that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the government of Her Britannic Majesty, presented since the treaty of Ghent, should be referred to certain commissioners.

On the 10th of September, 1857, a treaty was made with New Granada, ratified November 8, 1860, Lewis Cass, Secretary of State, acting for the United States; a board of commissioners was organized to adjust the claims of the citizens of the United States against New Granada.

On the 8th day of November, 1858, a treaty was made with China, William B. Reid, envoy extraordinay, acting for the United States, by which five hundred thousand taels were to be paid for the satisfaction of claims of American citizens.

On the 10th of November, 1858, a treaty was made with Chili, ratified October 15, 1859, John Bigler, envoy extraordinary, acting for the United States, by which it was referred to the King of Belgium to arbitrate claims made by citizens of the United States for silver taken in bars by the vice-admiral of the Chilian squadron.

On the 14th of January, 1859, a treaty was made with Venezuela, Edwin A. Turpin, minister resident, acting for the United States, ratified February 26, 1861, by which the former government agreed to pay certain citizens of the United States on account of being evicted from the Aves Island the sum of one hundred and thirty thousand dollars.

On the 4th day of February, 1859, a treaty was made with Paraguay, ratified March 7, 1860, by which the claims of the United States and Paraguay Navigation Company, a company composed of citizens of the United States, were referred to a commissioner, James B. Bowlin, special commissioner, acting for the United States.

On the 2d day of July, 1860, a treaty was made with Costa Rica, ratified November 9, 1861, by which all claims of citizens of the United States for injuries to persons or damages to property were referred to a commissioner, Alexander Dimitry, minister resident, acting for the United States.

On the 25th of November, 1862, a treaty was concluded with Ecuador, ratified July 27, 1864, United States represented by its minister resident, by which "all claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of Ecuador," were referred to a commissioner.

On the 20th of December, 1862, a treaty was made with the Government of Peru, ratified April 21, 1863, by which claims of the owners of vessels, citizens of the United States, were referred to a commission, the envoy extraordinary representing the United States.

On the 12th of January, 1863, a treaty was made between the same governments, ratified April 18, 1863, by which "all claims of citizens of the United States against the Government of Peru" were referred to a mixed commission, same envoy acting for the United States.

On the 10th day of January, 1864, a treaty was made with Columbia, ratified August 19, 1865, extending a commission, proclaimed the 8th of November, 1860, the Secretary of State acting for the United States.

On the 22d of October, 1864, a treaty was made with Japan, proclaimed April 9, 1866, by which there was to be paid three millions of dollars to four powers, the United States being one, "to include all claims of whatever nature," the minister resident representing the United States.

On the 25th of April, 1866, a treaty was concluded with Venezuela, ratified April 17, 1867, by which "all claims on the part of corporations, companies, or individuals, citizens of the United States, and the Government of Venezuela," which had been presented, were referred to a mixed commission.

On the 4th of July, 1868, a treaty was made with Mexico, by which claims for inju-

ries to persons and property by "corporations, companies, or private individuals, citizens of the United States and the Government of the Mexican Republic," should be referred to commissioners, two to be selected by each government, providing for an umpire, ratified February 1, 1869, United States acting by its Secretary of State.

On the 4th day of December, 1868, a treaty was made with Peru, ratified June 4, 1869, referring claims of citizens of the United States to commissioners, the same as in the last recited treaty.

On the 12th of February, 1871, a treaty was made with Spain, Daniel E. Sickles, envoy, acting for the United States, by which "the settlement of the claims of citizens of the United States or of their heirs against the Government of Spain," for injuries to persons or property, should be referred to arbitrators and an umpire.

On the 8th of May, 1871, a treaty was made with Great Britain, ratified June 17, 1871, by which the Alabama claims were referred to arbitration. The United States finally waived all government claims and recovered only for claims to be distributed to individuals.

On the 27th of November, 1872 a treaty was made with Mexico, ratified March 17, 1873, by which a commission was continued to consider certain claims of citizens of the United States.

I am not unmindful of the criticism of Senator Sumner on the Clarendon-Johnson treaty, nor of the principles contended for in the discussion on the "Treaty of Washington, relating to the Alabama claims," but a treaty can be framed fully protecting the Peruvian company in harmony with such principles.

* * *

Of Counsel.

OCTOBER 1, 1881.

No. 389.

Mr. Hurlbut to Mr. Blaine.

No. 37.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 22, 1881. (Received January 17, 1882.)

SIR: Your dispatches Nos. 17, 18, and 19, have been received.

My dispatch No. 20 was of the date of October 12, 1881.

I have read the last dispatches, Nos. 17, 18, and 19, with great care, and regret that in the last you have thought proper to disapprove certain portions of my letter to García y García, and the Lynch memorandum.

As to the latter I think that upon reading it again you will find that it does contain the very idea, if not the phrase, to the absence of which you except. It has certainly been so understood by the numerous papers in America and in Europe which have published and commented on it. I am aware that it is exceedingly difficult to bring the peculiarities of this people and the existing condition of affairs fairly before the understanding of the American people, or even of the Department. Permit me briefly to sum up the situation, not at all in the way of argument or of self justification, but as a key to the springs of my action.

The United States had recognized the constitutional government presided over by Calderon.

There was a clear understanding with Chili that they too would aid in the establishment of this form af government. It was weak and powerless, wholly within the Chilian military lines, unpopular because believed to be the creature of Chili.

The Piérola dictatorship, child of crime and bloody revolution, held everything outside of the Chilian lines, and was believed to represent the sentiment of national independence.

I availed myself of the letter to García y García (which was not official) to strike this tyranny a hard blow. I admit that it was an imprudence to use the name of the United States at all in that letter. But that letter demolished the Piérola dynasty and united the rest of the country on Calderon, thus throwing the moral weight of the United

States in favor of the orderly *régime* of constitutional law, and against violent revolutions culminating in despotism.

This effect, so produced, unmasked the Chilian pretenses, and demonstrated their bad faith toward the United States, for the moment the Calderon government became strong, that moment they stamped it out of existence by military force.

The capture of Calderon, under the circumstances, is very nearly an insult offered to the United States. If you choose to look over the whole series of my dispatches from the very first you will find expressed the clear conviction that there is no possibility of peace on any endurable terms by the action of Peru alone.

You will further observe that the United States have forbidden the application for aid to any European power.

Given these two principles of its action, and the result is inevitable, that in its extremity this nation must look to the United States alone. I have also tried to show that the dignity of the United States and its legitimate influence demanded a temperate but firm operation of certain great principles of international law which apply and ought to apply to such cases on this continent, and which have been officially recognized by Chili in the beginning of this war. To the repeated statements, so made by me to the Department, in all of which I asked speedy answer, I have received none until the dispatch No. 19, except telegraphic instructions to continue to support the Calderon government, which instructions I considered tacitly approved.

This, of course, is due in large measure to the lamentable events of the past summer and fall, to the long and desperate illness of President Garfield, and to the changes incident to the succession of President Arthur. My work in this country has been done in absolute good faith, and with the single purpose of advancing and maintaining the influence of the United States. It has been accomplished thoroughly.

The questions now to be handled are not with Peru, but with Chili, and are consequently to be treated by other persons and in a different form.

But the ground is thoroughly prepared for any action which the United States may think proper to take and to any extent they may think proper to go.

In the future I become, in the natural course of events, a very insignificant factor, as it appears to me that I have nothing to do but to keep Peru from splitting again into fragments and parties.

For weeks the Chilian papers in this city, published under official inspection, have been filled with very vile matter against the United States and against me personally, of which I can take no notice.

The leading papers in Chili are now full of articles against the ambition of the United States, their purpose of aggrandizement, and the dangers therefrom to the Spanish American States.

The commission to Chili will not have an easy time by any means, and it will require tact, patience, and above all firmness and nerve to meet the case. I have studied these people closely, and they must be met with perfect decision.

I notice in your No. 19 that you disapprove of a supposed telegram sent by me to Buenos Ayres. The fact is this: I sent to General Kilpatrick a letter inclosing this telegram, to be forwarded to Osborn, our minister:

OSBORN, *Minister:*

Argentine minister needed here. Inform government.

HURLBUT.

This telegram, the Chilian papers say, was submitted by Kilpatrick to the Chilian ministry before sending it. He himself accompanied it with another, dissuading Osborn from doing so. I felt the need of an Argentine minister, and sent the telegram. I submit to your decision as to the impropriety of the movement. I am informed that Mr. Uruburie, Argentine envoy to Chili and Peru, is hourly expected in Santiago. I should not have written this very long communication except to meet the case of a very probable change in the Department (already announced by Chilian telegrams), and so that the incoming Secretary might find a *resumé* of my views and actions in a convenient and compact form.

I have, &c.,

S. A. HURLBUT.

No. 390.

Mr. Hurlbut to Mr. Blaine.

No. 38.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 22, 1881. (Received January 17, 1882.)

SIR: Vice-President Montero has appointed two gentlemen in Lima, Mr. Elias and Mr. Candamo, as his special confidential representatives to the diplomatic corps, which fact renders intercourse more easy, while Montero is still in the interior, and this legation at Lima.

I am sir, &c.,

S. A. HURLBUT.

No. 391.

Mr. Hurlbut to Mr Blaine.

No. 39.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 28, 1881. (Received January 17, 1882.)

SIR: Messrs. Trescot and Blaine arrived at Callao on the 22d instant, came to Lima on the 23d, and left for Chili on the 25th.

They saw many people here. I had the honor of a brief conference with Mr. Trescot; I informed him that, in my opinion, the immediate release of Garcia Calderon should be demanded, and I have the honor to repeat that opinion to you.

There is no decent justification for the act, and it was meant more as a blow at the United States than for Peru. If I were charged with the question, I should make it a peremptory condition; as I am not, I can only give my views of what is due to the honor of my country.

I send to the Department three communications lately received from Mr. J. R. Shipherd, which will bear reading. I also send the envelopes, from which the Chilians easily see that this person is in correspondence with this legation.

This man is doing infinite mischief. His prospectus and other papers now fill the papers in Chili and are followed by editorials extremely abusive, not only of Mr. Calderon and the United States minister in Lima, who are falsely charged to be in conspiracy in this affair, but also as to the United States. A very distinct official notice of the true attitude of this legation and of the Department ought at once to be given to Chili.

I also forward with this, a letter which I am informed is an autograph communication from Vice-President Montero.

I have, &c.,

S. A. HURLBUT.

[Inclosure 1 in No. 39.]

Mr. Shipherd to Mr. Hurlbut.

[The Peruvian Company, 10 Spruce street, New York. Post-office box 3448.]

NOVEMBER 26, 1881.

SIR: Yours of October 26 is at hand, and your suggestions have attention.

The capture and extradition of Calderon and his minister since you wrote have changed the apparent issues greatly, and for the moment we wait further developments.

The drift of events as a whole tend, as I now think, toward a change of the base of negotiations from Lima to Washington. Thus:

1. Peru's only hope lies in the United States and in this company.

2. If the United States and this company undertake to help her, they will dictate the terms of settlement alike to Peru and to Chili, and this they can better do at Washington than at Lima.

3. These terms will probably imply a protectorate, and a protectorate can only be created by the Senate, through a treaty, or by Congress, or by both. As I have already written you, this protectorate should be instantly asked for by accredited deputies sent from Lima to Washington.

4. Within the last thirty days a Chilian functionary of the highest rank made this declaration:

"By far the most dangerous element in the whole situation is the claim of the Peruvian Company. I have carefully and repeatedly examined their papers, and I don't for the life of me see how we are going to get round that claim. It gives me more anxiety than any possible action of the United States Government apart from it. The Peruvians will of course admit the claim, and then the United States Executive is bound to back it up, and what answer can we make? It troubles me more than I can describe."

5. I know that the Chilian minister at Washington has practically determined to seek a conference with me at an early date; on my part I am about to take a step which will make it easy for him to do so; the moment he and I arrive at an understanding all the rest will be easy. Be assured I shall assume Peru's concurrence at the outset, but only until she has a fair opportunity to speak for herself. The first moment she *can* speak, she must speak, or I shall drop her out of the account.

6. I am semi-officially advised that the Chilians have demanded your removal, and have been denied; and I know that by the next steamer Señor Martinez will (unless he changes his present determination) ask for power to treat with Mr. Blaine and the president of the Peruvian Company direct.

7. Mr. Martinez is working night and day to secure utterances of the press here favorable to the Chilian course, and not without some success; he regards this the battle-ground yet to be won.

I cannot too strongly assure you that the interests of Peru at Washington are in wretchedly incompetent hands, and such an appointment as I suggested (Mr. Tracey) or far better a direct deputation asking a protectorate, is of the utmost importance. In any event * * * and * * * who think of nothing but the impossible *société* contract, cannot too soon be abolished altogether. I say this only in the interest of Peru; this company has not the slightest ill-will toward either; indeed, it will gladly show them any personal courtesy or kindness in its power. I told * * * months ago, also, that our plans were liberal enough to take in the *société* itself on a fair basis, our motto being, "Live and let live" on all sides; but he makes no response.

As soon as your letter came I sent a copy to * * * through * * * No expense will embarrass us; no problem will discourage us. You are very safe in your assumption on this point; but we have, for fundamental reasons, asked little direct aid from the government as yet.

After Mr. Blaine had formally advised me of the filing of our demands and the proofs of their service, I did suggest that he might forward copies to the minister at Lima and at Santiago, to be presented by the minister with the remark that the company was known to the Department to be composed of reputable gentlemen whose representations were entitled to entire respect; but he seemed to think such an

instruction unnecessary, remarking that it was, of course, the business of ministers to afford always their unofficial good offices, &c. I frankly think the instruction should be sent, but relying as I now do upon your entire good-will, and expecting nothing from Santiago, I do not press the point.

Not a little criticism of your course has appeared in print, but the unfortunate letter to Piérola's secretary is chiefly chargeable with it. That letter, however true, was unnecessary and impolitic. We are all compelled to admit so much. But your memorandum to Admiral Lynch, the secretary and I stoutly defend, and will defend, and I shall take the necessary measures to antidote Mr. Martinez's negotiations with the press.

I was in Washington again last week, and had a full talk with * * * at * * * suggestion, and upon his introduction. My chief point was that the Executive might avoid a discussion of the abstract question of intervention by substituting the not-debatable question whether it is not bound to take such charge of the situation as may be necessary to the protection of American property interests in Peru. Mr. Cilley was with me. We have practically united interests, and we two stood at the interview for $1,500,000,000 of American property. While properly reticent, * * * was evidently impressed with the suggestion, and * * * and others who have his ear, will follow it up.

The situation at the moment of this writing seems to be this:

1. The United States must see to it that Peru has an authorized executive, and that he is left perfectly free to treat with the United States and with this company.

2. Such executive, if he is wise, will use his first moment of liberty in admitting our claim unconditionally, and his next in basing on it and on Mr. Cilley's large interests direct application for an American protectorate. Leave the rest to this company, and you will not be disappointed.

I am, sir, your obedient servant,

JACOB R. SHIPHERD.

Hon. S. A. HURLBUT, *Lima.*

[Inclosure 2 in No. 39.]

Mr. Shipherd to Mr. Hurlbut.

[The Peruvian Company, 10 Spruce street, New York. Post-office box 3448.]

NOVEMBER 29, 1881.

MY DEAR SIR: Yesterday I heard through a mutual friend from * * * He assures us in gratifying terms of your fidelity to Peru and of your readiness to promote our places, so far as they shall be found well founded and practicable, but gives as a first impression the opinion that neither Landreau nor Cochet has any rights.

His correspondent, who thoroughly knows Peru and the Peruvians, expresses no surprise and abates nothing from his confident original opinion, either as to merits or as to the outcome. If the Peruvians ever had a moral sense it must have been in a preexistent state; they have never known it in Peru. As I have heretofore suggested, we have never expected them to be just; we expect them now only to look out for themselves. Certainly the facts are ample to warrant the executive in so construing them as to make a way out for Peru; it contents us that he should discuss it in no other light.

If in such premises even there is not mind enough left to perceive either what is due to equity or wise in the emergency, then indeed are the Chilians wholly right. Peru is rotten to the core and has a right only to sepulture.

I trust by the time this reaches you Calderon will be near you again; if not, then Montero must take the helm. The press is now saying a great deal and largely on the Chilian side. Even the Tribune denounces intervention; in the abstract only these American rights can give the necessary reason to satisfy our public, and it would seem indeed incredible that Peru should miss such an opportunity.

We can easily deal with Chili, and you may assure Peru that we shall not wait on her long.

So long as you stand with us we will stand faithfully for you. You have deserved and have won Peruvian confidence; you have made Chili an enemy; we deal only with the facts; you may rely on our whereabouts with mathematical certainty.

Very truly, yours,

JACOB R. SHIPHERD.

No. 392.

Mr. Elmore to Mr Frelinghuysen.

LEGATION OF PERU,
Washington, January 23, 1882. (Received January 23.)

SIR: Most of the public prints of the 18th instant, published a cable dispatch from Buenos Ayres, dated 17th January, announcing the conclusion of a treaty of peace between Bolivia and Chili, "the conditions, being that Bolivia shall surrender her territory along the coast and break off her relations with Peru."

When I read the news, I firmly believed the report false, although it is known that from the beginning of the war, Chili has been trying to obtain that result, it being Señor Santa Maria himself (now President of Chili), who, early in 1879, made his best efforts, unsuccessfully, to persuade President Daza, of Bolivia, to break off her alliance with Peru, offering Bolivia a piece of the Peruvian coast in exchange for betraying her ally.

Wishing to know the truth in regard to so grave a report, I at once telegraphed to Señor Rosas, the Peruvian minister in Paris to make the proper inquiries by cable on the subject, and on Saturday night, the 21st instant, he communicated to me the reply, dated Lima, 19th January, stating that the alliance between Peru and Bolivia continues.

I had also previously received mail advices from Peru, informing me that the Government of Bolivia (as also that of Ecuador) had recognized the constitutional government of Señor Calderon, now represented by the Vice-President Montero, who was appointed by Congress, and who is now acting President.

I have the honor to communicate the above facts to your excellency, and to renew, &c.,

J. F. ELMORE.

4.—FRANCE.

No. 393.

Mr. Morton to Mr. Blaine.

No. 6.] LEGATION OF THE UNITED STATES,
Paris, August 11, 1881. (Received August 24.)

SIR: The attitude and correspondent relations of France, England, and the United States, with the South American States, Chili and Peru, since the late termination of hostilities was the subject of a private interview which I had the honor to have yesterday afternoon, at the palace of the Elysées, with President Grévy. The meeting was unofficial and sought by his excellency for a mutual exchange of thoughts on a subject which appeared to have received his careful study. In the conversation which ensued, his excellency alluded to the two abortive attempts on the part of the governments of France and England towards affecting some practical agreement between these two South American states. He referred in a general way to the desirability of establishing between our respective governments the basis of a mutual understanding in regard to the policy which might be jointly adopted by us both towards securing an early return of order and stability in the

affairs of Chili and Peru, as far as comports with our national traditions and usages in the management of public affairs with foreign states. He spoke of the many unsatisfied claims of French subjects on the Peruvian Government, and expressed his strong disapproval of the extravagant demands made by the Chilian Government and conditions of peace which, if literally enforced, he apprehended would achieve the permanent enfeeblement, perhaps annihilation of the Peruvian states. In using this language, his excellency indeed acknowledged the right of Chili as a conquering power, to certain indemnities and privileges to be embodied in the final treaty of peace, &c., but which he thought required particular modification, and he was of the opinion that another attempt at mediation, on the part of foreign governments, and especially of the United States, was requisite for the purpose of reaching a satisfactory solution of the present state of chaos and disorder, which now there obtains.

In my reply I said I had received from my government, as yet, no instructions or intimation in regard to the course it might pursue towards these South American states. I felt, however, his own views, as expressed to me, would, if presented, receive the most favorable consideration. I continued to say, my government, I believed, had already striven, but without success, to interpose, as the equal friend between Chili and Peru, with a view to a reconciliation, and I had no doubt that, as suggested by President Grévy, a third attempt at mediation on our part would be ventured. And I concurred with his excellency in the hope the heavy demands of Chili might possibly be modified, as I also felt that, if executed, they must limit, if not extinguish, in that State, the future development of private enterprise, as well as the employment of foreign capital, by which alone its natural resources could receive extension. At the close of this interview his excellency requested the informal transmission to you of the substance of his remarks, which I have the honor herewith to do, and I take pleasure to add that I regard this meeting with President Grévy as a renewed instance of the cordial relations now so happily existing between our two republican governments.

I have the honor, &c.,

L. P. MORTON.

No. 394.

Mr. Blaine to Mr. Morton.

No. 30.] DEPARTMENT OF STATE,
Washington, September 5, 1881.

SIR: I have to acknowledge the reception of your dispatch, No. 6, of date August 11, 1881, giving an account of your interview on the day previous with the President of the republic in regard to the attitude and correspondent relations of France, Great Britain, and the United States with the South American states, Chili and Peru.

The remarks made and the suggestions offered by President Grévy concerning the situation of affairs in Peru have received that careful and respectful consideration due to the utterances of so eminent a statesman and the Chief Magistrate of France. I hasten to say that this government agrees with him in profoundly deploring the disorders and sufferings that have already fallen upon, and the others that continue to impend over the people of Peru, and fully shares the humane

and enlightened sentiments which have inspired in him a personal interest in that unfortunate struggle, and have induced him to suggest a concerted effort by France, Great Britain, and the United States to bring the conflict to an end.

Such interventions are frequent in European diplomatic history, and have been sometimes followed by beneficial results in preserving the equilibrium of the powers. But the United States has not belonged to that system of states, of which France and Great Britain are such important members, and has never participated in the adjustment of their contentions. Neither interest nor inclination leads this country to wish to have a voice in the discussion of those questions; but our relations to the states of the American continent are widely different, and the situation is so nearly reversed, that this government, while appreciating the high and disinterested motive that inspired the suggestion, is constrained to gravely doubt the expediency of uniting with European powers to intervene, either by material pressure or by moral or political influence, in the affairs of American states. These republics are younger sisters of this government. Their proximity of situation, similarity in origin and frame of government, unity of political interest on all questions of foreign intercourse, and their geographical remoteness from Europe have naturally given to American states close and especial relations to each other, and in the course of time removed them further from the European system.

The interests, commercial and political, of the United States, on this continent, transcend in extent and importance those of any other power, and where these immense interests are deeply involved this government must preserve a position where its influence will be most independent and efficient. In the contest between Peru and Chili, the United States has watched the progress of the struggle with painful interest, and endeavored, as opportunity offered, to arrange terms of peace; and you will say to the French Government that, while the interest which President Grévy has manifested for the cause of peace, and his sympathy with the unhappy victims of this war, find an earnest response here, both from the government and the people, the United States declines to enter into negotiations with European powers for a joint intervention in the affairs of Chili and Peru.

I have, &c.,

JAMES G. BLAINE.

No. 395.

Mr. Morton to Mr. Blaine.

No. 58.] LEGATION OF THE UNITED STATES,
Paris, October 20, 1881. (Received November 3.)

SIR: A few days since I had the honor of a personal interview with President Grévy, to whom I communicated the subject of your dispatch No. 30, with reference to the affairs of Chili and Peru.

The President expressed himself as in entire accord witht he position taken by the Government of the United States, as indicated in your dispatch and the letter addressed by General Hurlbut to the Chilian admiral—copies of the latter of which having been furnished to the President and myself by Mr. Rosas, the minister of Peru, appointed by the Calderon government.

He added that annexation by a victorious nation of the whole or a large part of the territory of the subdued nation, or even the exaction of an undue indemnity of war, was contrary to the now admitted rights of nations as well as to the interests of neutrals. That a victorious nation had the right to secure the fruits of its victories, there was no doubt, but it had not the right to impose upon its powerless enemy burdens amounting to annihilation.

In reply to my reference to the sentiment and traditions which had so long existed in the United States in regard to what might be termed joint action with European powers, he replied that he was fully aware of the existence of such feeling, and that he could well understand its force and legitimate foundation.

As to the negotiations between Peru and Chili, he said that he had made known his views to me, but with no definite intentions of doing more than extending the good offices of France, if they were needed.

The United States, he further remarked, was fully competent to deal with the matter, and he was glad to see that it had realized the situation, and was ready to meet the circumstances of the case, and France gave a most cordial approval to the action which had been taken by the United States.

I remarked that the United States and many other countries had already recognized the Calderon government, to which he replied that France had not yet done so, because it seemed to her that the Calderon government had rather the support of the Chilian Government than of the people of Peru; but that as soon as it appeared evident that it was national in its character, France would recognize it with pleasure.

Before leaving, the President remarked to me that although our conversation was unofficial in the sense that he could do nothing in the matter without consultation with the minister of foreign affairs, the views and opinions he had expressed were those of the French Government. This statement he emphatically authorized me to make to my government.

In another conversation which I have had since the interview with Mr. Grévy referred to, on the same subject, he reiterated his expression of the foregoing sentiments. I summed up the position taken by France by declaring very explicitly that it was willing to act with or in the same direction as the United States, if the latter so desired, or to leave the Government of the United States to proceed alone, if it preferred the latter course.

I have, &c.,

L. P. MORTON.

No. 396.

Mr. Blaine to Mr. Morton.

[Telegram.]

WASHINGTON, *November* 14, 1881.

The Secretary of State telegraphed Mr. Morton, United States minister at Paris, for the particulars of any interviews he had held of late date with the French Government on the subject of Chilian and Peruvian affairs, and more particularly touching the recognition of the Peruvian minister.

No. 397.

Mr. Morton to Mr. Blaine.

[Telegram.]

UNITED STATES LEGATION,
Paris, November 15, 1881.

Mr. Morton telegraphs the Secretary of State that he has not interviewed the President since his two visits mentioned in dispatch No. 58. Can add nothing except that in his second interview the President disapproved the statement of Mr. Rosas, the Peruvian minister, who understood that he said that in the first interview Mr. Morton had announced that the United States Government was not desirous of European aid. This produced the explicit declaration contained in the dispatch. The indications of recognition of the Calderon government seem less favorable.

5.—MISCELLANEOUS.

No. 398.

Mr. Pettis to Mr. Evarts.

MEADVILLE, PA.,
March 29, 1880. (Received April 3.)

SIR: I am in receipt of information from Mr. Otto Richter, of La Paz, Bolivia, under date of the 15th ultimo, the gentleman nominated by me while in Bolivia as vice-consul-general, and who I left in charge of the legation and archives, that in consequence of President Daza's from Camorones, near Arica, was followed by the substitution of Col. Gliodoror Camacho as commander-in-chief of the troops, and General Campero as temporary President of Bolivia, and thus the whole revolution was effected in a most peaceable way, and the public security has never been disturbed in the least degree. General Campero was expected at La Paz in a few days, and it was reported had convened Congress, to meet at Oruro on the 25th day of next month, for the purpose of electing a new head of the state.

I also inclose a newspaper (Spanish) printed at Arequipa, Peru.

Mr. Richter concludes his letter with the assurance that the business of the consulate has had and will receive his every attention.

I have the honor to be, yours faithfully,

S. NEWTON PETTIS.

Upon reflection I have concluded to forward the letter of Mr. Richter to me.—P.

Mr. Richter to Mr. Pettis.

LA PAZ (BOLIVIA), *February* 13, 1880.

SIR: Favored by your esteemed letters, dated from Callao and Panama and trusting you arrived meanwhile safely in your native country by the present, I beg to inform you of the great changes in political affairs which have happened in Bolivia since your departure.

The retreat of General Daza from Camarones, near Arica, which produced such great an excitement and which remains unexplained till this day, proved to be his misfortune.

Simultaneous manifestations, made at Tacna by the Bolivian army and in all parts of our republic by the people have substituted for him Col. Gliodoro Camacho as commander-in-chief of the troops and General Campero as temporary President of Bolivia.

On his retirement General Daza has taken up his residence at Arequipa. The whole revolution has been effected in a most peaceable way and the public security has never been disturbed in the least degree.

General Campero is expected to arrive here in a few days, and, it is said, has convened Congress to meet at Oruro, on the 25th of April next, for the purpose of electing a new head of the state.

In order to keep you acquainted with the progress of matters here I have already sent you and will continue to send you newspapers from here which I hope have reached you safely. Should any further changes of importance take place, I will not fail to advise you thereof.

The business of the consulate has had my entire attention since your leaving and will continue to command the same in future.

I have the honor to remain, sir, your obedient servant,

OTTO RICHTER.

Hon. S. NEWTON PETTIS,
Minister Resident of the United States for Bolivia, &c., &c.

No. 399.

Mr. Evarts to Mr. Fisher.

DEPARTMENT OF STATE,
Washington, June 6, 1879.

SIR: Availing myself of the obliging offer recently made by you upon announcing your intention of proceeding to South America, I send herewith a package containing official dispatches for the ministers and consuls of the United States in Peru and Chili, which, in view of the hostilities existing between those countries, it is believed might encounter some delay if consigned to the ordinary channels of communication.

In accordance with your request I also inclose a special passport for your use, and have directed to be sent to your address a copy of the United States treaties, with supplement, and the latest edition of the United States Consular Regulations.

I am, sir, your obedient servant,

WM. M. EVARTS.

No. 400.

Mr. Fisher to Mr. Seward.

CONSULATE OF CHILI,
Boston, June 7, 1879. (Received June 9.)

SIR: In compliance with your request at our interview in Washington on the 4th of June, I take pleasure in forwarding by to-day's mail for the information of the honorable Secretary of State and of yourself, two official pamphlets recently received from the minister of foreign relations of Chili in regard to the present war between that country and Peru and Bolivia, namely:

I. *Cuestion Chileno-Boliviano.*—Exposition del ministro de relaciones esteriores de Chilé sobre los motivos que justifican la reivindicacion del territorio comprehendido entre los paralelos 23 y 24 latitud sur.

II. *Manifesto que el Gobierno de Chilé* dirije a las potencias amigas con motivo del estado de guerra con el Gobierno del Peru.

In regard to the papers and data relative to Chili and Spanish America, referring chiefly to commerce, which you desire for reference, I shall take pleasure in forwarding copies early next week, as soon as I can collect them, and have the honor, &c.,

HORACE N. FISHER,
Consul of Chili.

No. 401.

Mr. Fisher to Mr. Evarts.

CONSULATE OF CHILI,
Boston, June 10, 1879. (Received June 12.)

SIR: I have the honor to acknowledge the receipt of your favor of 6th June, informing me that you had forwarded to me a package of dispatches for the United States ministers and consuls in Chili and Peru; also a special passport for my use as United States bearer of dispatches; also that you had directed a copy of the United States treaties and consular regulations to be sent to my address.

Your letter was received on the 8th, the packages named on the 9th instant, all of which I now acknowledge.

My purpose is to leave for Chili, by the steamer leaving New York on 20th June, unless unexpectedly delayed; in which event I will notify you through the minister of Chili, who, I understand, has arrived in the United States since I had the honor of an interview with you.

I am, &c.,

HORACE N. FISHER,
Consul of Chili.

No. 402.

Mr. Fisher to Mr. Evarts.

VALPARAISO, CHILI, *July* 30, 1879.
(Received September 16.)

SIR: I have the honor to report as follows in regard to the official dispatches intrusted to me as per your letter of 6th June.

June 30.—I sailed from New York for Aspinwall, arriving there July 8, at 4 p. m.; the following day I crossed the Isthmus and embarked on the steamer for Valparaiso, via Callao, which was advertised to leave Panama at 6 p. m. July 9, although from delay on account of torpedo launch for Peru the steamer did not sail until noon July 10.

July 17.—I reached Eten, the port of Lambayeque, Peru; the dispatch for the United States consul at Lambayeque was forwarded through the agent of the Pacific Steam Navigation Company at Eten, who takes charge of the consular mail and copy of whose receipt and copy of my letter to said consul are annexed hereto (A, B).

July 19.—Upon arriving at Callao, I delivered in person the two dispatches for Minister Christiancy and the dispatch for the United States consul at Callao. On the evening of the same day I left Callao for Valparaiso by the connecting steamer.

July 24.—As the port of Iquique was blockaded by the Chilian fleet, the steamer did not enter that port; but I delivered the dispatch for the United States consul at Iquique, Peru, to Captain Salamanca, flag officer of the admiral of the Chilian fleet (who boarded the steamer off Iquique), who agreed to deliver the same by flag of truce.

July 28.—At Coquimbo, Chili, I delivered the dispatch for the United States consul at Coquimbo to the vice-consul at the consulate.

July 29.—Upon arrival at Valparaiso, I delivered, in person, the dispatch for the United States consul at Valparaiso, who also received and agreed to forward the dispatch for the United States consul at Talcahuano, Chili. As Minister Osborn was at Valparaiso when I arrived, I also delivered the two dispatches addressed to him.

As it seems to be a custom or regulation to examine letters at the post-office in Peru at the present time, at least such is my information from disinterested sources, I deemed it advisable to deliver dispatches for the United States consuls at Lambayeque and Iquique, by means of responsible parties rather than through the mail, as it was not possible for me to deliver the same in person. There is no examination of letters in Chili.

Although it is not within the scope of my duty as bearer of dispatches, I take the liberty of stating that the general feeling seems to be that if any occasion for arbitration or mediation in the present conflict on the west coast of South America should arise, the good offices of the United States would be preferred to those of any other country in America or Europe.

I am, &c.,

HORACE N. FISHER,
Bearer of Dispatches.

MEMORANDUM.

Dispatches of United States State Department received and delivered.

		Delivered.
1	Dispatch for United States consul at Lambayeque, Peru	July 17, 1879*
2	Dispatch for United States minister to Peru	July 19, 1879
1	Dispatch for United States consul at Callao, Peru	July 19, 1879
1	Dispatch for United States consul at Iquique, Peru	July 24, 1879†
1	Dispatch for United States consul at Coquimbo, Chili	July 28, 1879
2	Dispatch for United States minister to Chili	July 29, 1879
1	Dispatch for United States consul at Valparaiso, Chili	July 29, 1879
1	Dispatch for United States consul at Talcahuano, Chili	July 29, 1879‡
10		

* Through agent of Pacific Steam Navigation Company at Eten, Peru.
† Through captain, Salamanca, flag-officer of admiral of the Chilian fleet blockading Iquique.
‡ Through United States consul at Valparaiso.

INCLOSURES.

A.—Receipt (copy) of agent of Pacific Steam Navigation Company at Eten for dispatch to United States consul at Lambayeque, Peru.

B.—Letter (copy) to United States consul at Lambayeque, Peru, of July 17, 1879, in regard to dispatch for him.
C.—Letter (copy) to admiral of Chilian fleet, blockading Iquique, of July 24, 1879.

[Inclosures.]

Report dated Valparaiso, July 30, 1879.

A.

Received of Col. Horace N. Fisher, bearer of dispatches of the United States Government, one sealed letter from Department of State, United States of America, to the consul of the United States at Lambayeque, Peru, which I will deliver to him.
Eten, Peru, July 17, 1879.

M. GUERRERO,
Dependiente de la Agencia de la Compañia Inglesa de Valparaiso.

B.

STEAMSHIP LIMA, *Eten, Peru, July* 17, 1879.

SIR: I have the honor to inform you that not being able to proceed to Lambayeque to present in person the letter from the State Department, United States of America, I have delivered the same to the representative of the Pacific Steam Navigation Company at this port, who has agreed to deliver the same to you. Therefore, will you do me the favor to acknowledge the receipt thereof to the United States minister (Mr. Christiancy) at Lima in due course.
I am, &c.,

HORACE N. FISHER,
Bearer of Dispatches.

To the CONSUL OF THE UNITED STATES AT LAMBAYEQUE, PERU.

(MEMORANDUM.—Annexed is a copy of the receipt received from the agent of the Pacific Steam Navigation Company.)

C.

STEAMSHIP ILO,
Off Iquique, Peru, July 24, 1879.

SIR: I have the honor to be bearer of dispatches from the State Department of the United States to the ministers and consuls of the United States in Peru and Chili.
The blockade of the port of Iquique prevents me from delivering my dispatch to the United States consul at Iquique, Peru. Will you, therefore, have the goodness to deliver the inclosed dispatch to the said consul by the first flag of truce, and oblige,
Your obedient servant,

HORACE N. FISHER,
Bearer of Dispatches for the United States Government.

To the OFFICER *in command*
of the Chilian Squadron blockading Iquique, Peru:

(MEMORANDUM.—Delivered July 24 at 8 p. m. to Captain Salamanca, chief of staff of Admiral Williams, who agreed to forward said letter by flag of truce, which would be sent by Captain Robinson, of Her Britannic Majesty's ship Turquoise, with letters to Her Britannic Majesty's consul.)

No. 403.

Mr. Fisher to Mr. Seward.

No. 3. Personal.] SANTIAGO, CHILI,
July 31, 1879. (Received September 16.)

DEAR SIR: Referring to my former letters (1 and 2), mailed at Guayaquil July 14, and corroborating the statements and suggestions therein made, I will continue some account of my observations since leaving Guayaquil.

I arrived at Callao in the morning of July 19, and there met at our consulate Minister Christiancy and Admiral Rogers. From what they said, I inferred that they were disappointed in not receiving some positive instructions from our government. I at once opened business with Minister Christiancy, informing him of the views you expressed in regard to the willingness of United States Government to use its friendly offices to harmonize the dissensions between Peru, Bolivia, and Chili, provided either or all of the belligerent republics should request such good offices through the proper channel. Mr. Christiancy informed me, as I presume he has officially reported, that Peru and Bolivia were favorable to action of that nature on our part, but he stated that he was satisfied that both Peru and Bolivia would insist, as a preliminary, that Chili should restore to Bolivia the territory taken possession of by her army; in a word, that the *ante bellum status would be a sine qua non preliminary to any negotiation.* I understand from a gentleman officially conversant with the views expressed by the Bolivian Government that such is the condition demanded by that government.

My own view of this question was at that time, and I have seen no reason to change, that the most that would be conceded by Chili would be the *status quo.* This opinion was based upon the usage of nations in time of war, namely, that a truce or suspension of hostilities always presupposed the *status quo* during negotiations for peace. It is not necessary for me to call your attention to particular cases, although the fact of the *status quo* during the Franco-German war negotiations and those at the close of the Russo-Turkish war are so excellent and recent examples as to leave no doubt as to the usage. Moreover, the facts that Bolivia and Peru are in a chronic state of revolution so general that it may be assumed that such is their normal condition; that however much the existing government of these countries may intend to act in good faith, no man can guarantee that the President of either of those countries will complete his term of office as the executive authority; that the original cause of the war was a deliberate violation by Bolivia of a formal treaty, duly made five years ago, under which a large amount of foreign capital was invested; that the conduct of Peru is open to a charge of gross bad faith, as an accessory before the fact, in that its government formally engaged to support Bolivia, by a secret treaty to that effect, in practically confiscating the property of foreign nitrate producers in Bolivia, as had already been done in Peru. In view of these facts and others of a similar character, it could hardly be expected that Chili would consent to any truce the preliminary condition of which involved a surrender of military posts almost impregnable to the troops of a government whose conduct heretofore might be assumed to presuppose a refusal to acquiesce in a decision unfavorable to its claims.

For these general and special reasons I could not believe that Chili, in actual possession of the disputed terrritory, and apparently able to hold it indefinitely against any force available to Peru-Bolivia, and protected by nature, and by a desert through which an attacking army must carry not only food but *water* for its troops and animals, would consent to any truce for negotiation or arbitration, except upon the *status quo* basis.

At Antofagasta, the headquarters of the Chilian army in the field, I met Señor Santa Maria, the minister of foreign affairs of Chili, who is also vested with the full power to manage the civil and military affairs in the disputed territory, and had a long interview with him. He expressed himself greatly pleased to learn the willingness of the United

States Government to use its good offices in bringing about a settlement of the dispute and war, but he frankly stated that the Chilian Government would entertain no such proposition unless upon the basis of the *status quo* during negotiation and arbitration. Since arriving at Valparaiso I have availed of my personal friends, of both the administration and opposition parties, and am satisfied that no ministry could remain in office who should consent to any negotiation upon the preliminary condition of the *ante bellum* status during negotiation.

There is a fact, of which you are probably informed, which gives force to the latter statement, namely, that in Chili the ministry holds a position analogous to that of the British ministry; that the cabinet officers have seats in Congress and are obliged to answer questions and defend the policy of the government on the floor; that a refusal to support the government in its measures, as ascertained by the vote of Congress, is followed by a change of ministry. Consequently the ministry, being responsible to Congress, cannot ignore the voice of Congress, as in the United States.

The indecisive character of the war, as it is deemed by many whose experience has not prepared them to appreciate the difficulties of nature and of converting new levies into reliable troops, when added to other alleged complaints, has so weakened the present ministry that any considerable misfortune would lead apparently to a new ministry, the third since this present year has commenced. It is reported and apparently confirmed that the steamer Rimac—carrying troops, horses, and supplies to the Chilian army at Antofagasta—has been captured by the Peruvians. The government guaranteed the owners against loss of the steamer on basis of £60,000 sterling, which it will have to pay; while loss of property and cash for payment of troops will probably swell the damage and loss to $500,000, and the loss of a battalion of troops—all caused as alleged by neglect to send a convoy—have caused great excitement and led to a secret session of Congress commencing yesterday, at which only fifteen representatives and two senators were absent yesterday. I was told by a friend of the present ministry (at Antofagasta, July 26) that the loss of the Rimac, which was even then apprehended from her being overdue, would be likely to overthrow the ministry. The overthrow of the present ministry possesses this importance to the United States, that it might also involve a more peaceful policy, as their successors would not be compromised on the war question, although there seems to be but one mind on that point *now*, whatever may have orginally been the difference of opinion about declaring war in the beginning.

It may be some days before I form a clear idea of the position, and therefore write by this steamer, which sails August 2, in order that you may know that, while arbitration of the United States would be desired by all parties belligerent, there seems to be a wide difference as to the preliminary condition between Chili and Peru-Bolivia. From what Minister Christiancy informed me, it would seem that Peru-Bolivia are determined to insist upon the *ante-bellum status*, and I am satisfied that Chili will not consent to such a preliminary condition.

So far as the material resources and financial strength of the belligerents are concerned, I think that Chili is in much the best condition. I am informed that Chili promptly pays the interest on the public debt, although by arrangement mutually satisfactory to the government and the holders of Chilian bonds the payment into the sinking fund has been suspended for five years. As you know, the commercial depression, arising from three consecutive years of short crops and the un-

precedented decline in the price of copper, has been productive of a great commercial crisis and induced the government to suspend specie payments. The paper authorized to be issued by the banks is secured by a deposit of government bonds, but there is a difference of about 30 per cent. between specie and bank notes. As I understand the case, the government does not issue legal-tender notes in Chili; while in Peru and Bolivia I think the paper money in circulation is issued by the government. However that may be, the paper dollar in Peru is worth about 25 per cent. of its face value, which indicates a financial condition much worse than in Chili. So far as the public credit of Peru or Bolivia is concerned, I am informed that Peru has not paid the interest on her public debt for several years, and that capitalists are not willing to lend any money to Bolivia upon any terms. In Chili the troops I have seen seem well armed, equipped, clad, and fed, and, I understand, receive their pay regularly and promptly; while, though the troops of Peru and Bolivia are said to be well supplied, their pay is irregular and largely in arrears. The use of troops by both sides has thus far been chiefly in garrisoning and fortifying military posts, and I am of the opinion that neither army possesses the transportation or supplies necessary for active operations in the field. As to supplies, Chili, being a large exporter of wheat and cattle, would have less difficulty than her opponents in feeding her troops; while Perú-Bolivia, not being able to obtain the usual supply of cereals from Chili, are likely to find difficulty in feeding their troops. Thus far the war has been principally confined to naval operations. In the contests on the sea thus far the Chilians have acted with conspicuous gallantry, and have become masters of the situation, so far as is possible with the small naval forces on either side. At present the Peruvian navy is obliged to act simply as raiders upon small ports and transports.

I have endeavored to state clearly the result of my observation and inquiry as to the condition and financial strength of both belligerents; also the views, not only expressed, but, I think, entertained by each on the subject of mediation. If you consider it advisable, I authorize you to read this, or the two letters (1 and 2) from Guayaquil to the honorable Secretary, for the information of our government; otherwise, you will please to consider it personal. The facts and opinions given herein have been carefully gathered and formed, and you can rely upon them as substantially correct. The part relating to Chili I have read to a Chilian senator, who is an old and valued and discreet friend, and he says that I have stated the position correctly.

Very truly, your friend,

HORACE N. FISHER.

Hon. FREDERICK W. SEWARD,
State Department, Washington, D. C.

No. 404.

Mr. Fisher to Mr. Seward.

No. 4. Personal.] HACIENDA DE PULLALLI, CHILI,
August 14, 1879. (Received September 21.)

DEAR SIR: In my letter (No. 1) of July 13 I raised the question whether the shipment of torpedo boats from the United States to either

of the belligerents in the present war was not a violation of our neutrality, and liable to furnish a tenable claim for damages. I also stated the action of the British consul at Panama, which caused the British steamer at Panama to refuse a torpedo boat for Callao. Referring you to the reasons offered for making a distinction between contraband of war destined for sea use and that which can duly be used on land, I refer you to the action of the British Government in a similar case, as stated in a recent Santiago paper, El Independiente, of August 6, a translation of which I here annex for your information:

In the last steamer from England a torpedo launch should have come for our government. It appears that the Peruvian agents in Europe made a timely protest against this contraband of war, and that the British Government admitted the protest by detaining the steamer and compelling it to land the boat.

The exact ground of detaining the steamer is not stated, although the above extract gives a fair ground for inference.

In my last letter (July 31, No. 3), I referred to the "interpellation" of the Chilian ministry in the senate, and the secret session of Congress thereon.

The interpellation was continued for three consecutive days, including one night session. At its close the orders of the day were resumed without any positive action of Congress in the form of a vote of either confidence or censure. Nevertheless, at the second session (August 5), after the close of the interpellation in the Senate, a new interpellation was moved in the House of Deputies in the form of a petition for papers, and an interpellation addressed to the cabinet in regard to the conduct of the war, as stated by the mover—

On account of the uncertain and precarious situation, proved by the capture of the Rimac, the rumor of a new cabinet, the inaction of the fleet and army, and, above all, by the failure in obtaining a practical result by the interpellation discussed in the senate.

On the 12th August the letter of the mover (Señor Alemparte) was read in the House of Deputies, in which he formally withdrew for the present his motion, giving his reasons therefor in the following language:

It is now fortunately announced that the blockade of Iquique has been abandoned, and that our fleet has already commenced active and official operations, which it is hoped will be seconded by our army. At the same time it appears that the danger of a ministerial crisis has been averted. At such a moment the attention of the country and the patriotic anxiety of every Chilian should be concentrated upon the operations of our army and fleet, which are called upon to settle the fate of the republic.

As nearly as I can judge all political parties in Chili favor a prosecution of the war, and are willing to make any necessary sacrifice to secure the victory of the national arms. So general does this sentiment seem that I think that no ministry could continue in power upon any other basis than that of a vigorous prosecution of the war, however great may be the difference of opinion as to the mode adopted.

The abandonment of the blockade of Iquique has released two-thirds of the Chilian fleet and made it available for active operations. Indeed it seems to have been a fair criticism whether Chili could afford to neutralize the greater part of its fleet in blockading a second-rate port like Iquique, the object of the blockade, namely, the crippling of the resources of Peru and its revenue from export duties on guano and nitrate soda, having been already accomplished by the destruction of the launches for loading and other similar facilities. I will here state that at the Peruvian ports, owing to shallow water and heavy surf, all vessels have to be loaded from lighters (launches), often at a distance from the shore, Callao being the sole exception.

There is reason for thinking that the army will be moved by sea from

Antofagasta against some Peruvian town, either Arica, Iquique, or Callao, all of which possess strategical importance. At Iquique the Peruvian forces are some 12,000, covering the nitrate district; but as that army is with difficulty maintained, and the military importance of the post is of minor importance in the campaign, I should much doubt any landing there, near the southern frontier of Peru, 600 miles from Callao, and separated from the rest of Peru by a country almost impracticable for marching an army by land. Arica being at the Pacific terminus of the main route for merchandise, partly railroad and partly wagon, from Bolivia, is the point where the Bolivian forces debouch; for which reason a landing at, and the permanent occupation of, Arica would not only close the debouchment of troops, &c., from Bolivia, but also cut the land lines of communication of the army at Iquique, the distance from Arica to Iquique being 109 miles by sea and probably over 200 by land. The only other route from Bolivia to the Pacific (not already occupied by the Chilians) is the railroad from Lake Titicaca to Mollendo, a very steep-grade road, with a small amount of rolling-stock. Mollendo is a town of some 2,000 inhabitants, 135 miles north of Arica by sea; its port an open roadstead, where steamers often have great difficulty in landing merchandise, on account of the surf. The railroad to Lake Titicaca passes for several miles along the sea-side, and naturally exposed to be interfered with by a single man-of-war. As a strategical point, therefore, I think Arica the most important, and that its occupation would be likely to have an important influence upon the result of the war, especially for the following reasons, namely:

1st. The valley from Arica to Arequipa, 60 miles to the Cordellera, is very productive. It exports considerable food, and can support an army of larger numbers than all the forces of the three belligerents now in the field. I think that the Peruvian army at Iquique draws a considerable part of its supplies from the Arica Valley. Its occupation would, therefore, not only prevent the arrival of reinforcements from Bolivia, but break up the lines and base of supplies for the Peruvian main army at Iquique.

2d. The occupation of Arica by the Chilian forces would also make them *de facto* owners, and, as such, in position to negotiate with Bolivia upon the basis of a transfer of Arica to Bolivia (at the expense of Peru) as compensation for the loss of Bolivian sea-coast further south and adjoining Chili. This fact is, I believe, recognized as one of the factors in this war, namely, that the Peruvian sea-coast south of Arica shuts out the greater part of Bolivia from the Pacific; that in the separation of Bolivia (or Upper Peru) from Peru there was a manifest lack of consideration shown to Bolivia in giving her the short, miserable coast-line on the edge of the Atacama desert, with the single port of Cobija; that, consequently, an exchange of the said short coast, separated by over 200 miles of the desert from the southern part of Bolivia, for the good port of Arica, the natural and actual principal outlet of Bolivia, through a fertile country, would be a temptation hardly safe to trust the Bolivians with; that with such a make-weight negotiations might be successfully carried out on the basis of extending the Chillian frontier northward so as to include Iquique, and of giving Bolivia a sea-coast opposite her central provinces from Arica and Pisagua (70 miles), all which, of course, would be at the expense of Peru, and for the aggrandizement of Chili, as well as advantageous for Bolivia.

For the above two reasons I think that Arica is the most important *strategical* and *military* position during the present war on the coast of

Peru, as well as a good exchange for Bolivia. Nor do I have any exalted opinion of the moral acuteness of Bolivia which would lead me to believe her likely to throw away so advantageous an opportunity from a just regard for the sacredness of national honor and good faith due to her ally. In fact the presence of the President of Peru at Arica seems quite as likely to have been caused by the presence of the President of Bolivia there in command of the Bolivian contingent as for purely military reasons.

The third position named was Callao. As you know, Callao is only 6 miles from Lima, south of the Bay of Callao, and separated from it by a long, low cape; is a bay having good anchorage near the shore, and a sufficient depth of water for ships of large size. From the head of this bay to Lima is about five miles, the country is level and suitable for the movement of troops. The ports of Chorillos and Anchon are on the south side of this bay and afford facilities for landing troops under the protection of the guns of men-of-war, while beyond the reach of the guns of Callao. In the war of independence the Chilians sent an army to Callao, which subsequently (in conjunction with Peruvian reinforcements) won the decisive battle of Ayacucho.

In 1838 another Chilian army, under General Bulnes, landed at Anchon, and after a battle on the plain of Lima entered that city; thence it marched against General Santa Cruz, the "supreme protector" of Peru-Bolivia, and totally defeated his army at Tungay (January 12, 1839), 250 miles southeast of Lima.

For political reasons the landing of a Chilian army at Anchon or Chorillos would possess a certain importance, and would certainly, if followed by a victory on the plain of Lima, lead to the occupation of the capital of Peru; but whether the victorious army could hold Lima and the surrounding country with the forces available for shipment from Chili and at so great a distance from its base (1,500 miles from Valparaiso) is a serious question; while the *attempt* would involve military risks of no ordinary kind. As already stated, it seems to me that Arica is a more important military position and more likely to lead to important and permanent results.

There seems reason to anticipate a movement of a picked force of 10,000 Chilian troops from Antofagasta to one of the three points named on the Peruvian coast, for which purpose the co-operation of the Chilian fleet would be needed. I am informed that 10,000 troops can be dispatched from the army at Antofagasta with the transportation available now, and that supplies for such a number are actually ready.

The Chilians are strong and easily diciplined, which, together with their admitted bravery and steadiness under fire in the past, and their supplies on hand, would give them an advantage over the troops of Peru and Bolivia. Their officers would do no discredit to any army, so far as I have seen them, and seem to devote themselves heartily and intelligently to their work; their infantry and artillery arms are of an excellent character, and if they are commanded by a competent general they are likely to render a good account of themselves.

In view of the present general unanimity for the vigorous prosecution of the war and of the apparent preparation for immediate military activity, I do not deem it advisable to press the idea of arbitration, believing it likely that no basis could be agreed upon which would fix the status during negotiations. The idea of arbitration has already been advanced by neutral States of both Europe and South America. As you know, by my former letter (No. 3, of July 31), I stated to Señor Santa Maria, minister of foreign affairs, and apparently the recognized

leader of the ministry of Chili, that the good offices of the United States could be relied upon whenever either of the belligerents formally requested them, and that he seemed very much gratified to know it; that I am satisfied that the United States would be preferred as arbitrator, by all three countries, to any other; but that in the present condition of affairs there is so great a difference as to the *status* during negotiation, Chili insisting upon the *status quo* and Peru-Bolivia upon the *status ante bellum* that it seems not advisable to press the subject at present. It is partly to avoid any discussion of the question at present that I am staying with my friend, Mr. Yrariazaval, at his country seat (Bullalli). My only visit to Santiago was for a day and a half, to formally report my arrival at the state department, having already reported in person to the minister of foreign affairs at antofagasta.

I will here state that I frankly informed Mr. Christiancy, our minister to Peru, and subsequently Mr. Pettis, our minister to Bolivia, of the substance of our conversation, so far as it concerned arbitration; Mr. Pettis was my fellow-passenger from Callao to Valparaiso, and has had some interviews with Mr. Osborn, our minister to Chili, and informed me that he stated to Mr. Osborn at Valparaiso (as I requested) what I had told him.

I did not have an opportunity of informing Mr. Osborn in person, as his return to Santiago was delayed until I was on the point of leaving for Pullalli, as I had planned to do.

I have naturally discussed the question with my friend Mr. Yrarrázaval, who takes the same view as I have expressed in this and the previous letter as to pressing the subject at this time; in fact, I stated the subject to him in full in Mr. Pettis's presence at Valparaiso. I presume Mr. Pettis will report to the Department his views in this matter, and therefore you will please to consider that my allusion to having met him is confidential, as I do not wish to forestall him in any way. As Mr. Yrarrázaval is recognized as a leader in Chilian state affairs, I am likely to be well informed of the condition of things, and when the proper time comes I shall use such arguments as will, in my judgment, tend to bring about the desired result.

Very respectfully, your obedient servant,

HORACE N. FISHER.

P. S.—In future please address letters for me to the "care of Señor D. Manuel J. Yrarrázaval, Santiago, Chili," who receives his Santiago mail and will forward letters to me if not here.

No. 405.

Mr. Fisher to Mr. Seward.

No. 5.] HACIENDA DE PULLALLI,
Ligna, Chili, October 9, 1879. (Received November 24.)

DEAR SIR: Although perhaps it is not necessary, it seems advisable to state some facts for your information inasmuch as I notice that some comment has been made in the New York papers in regard to my visit to Chili, in order that you may know the exact facts in detail.

(1.) I made a memorandum of the points in our conversation at the State Department June 4 in order to avoid all possible misunderstanding and unintentional errors of memory. This memorandum, written out the same day, was placed in a sealed envelope and not opened until

I met Minister Christiancy at the United States consulate in Callao July 19, where I read to him the part relating to arbitration by the United States, which latter fact I reported to you in my letter No. 3, dated Santiago, July 31, 1879. He was the first who saw or knew its contents.

(2.) The only person to whom I communicated *any* of the points of our conversation before sailing for Chili was Señor I. A. Nuñez, the Chilian commissioner of education, who met me at the steamer in New York with letters from Señor Asta-Buruaga, the Chilian minister, dated Washington, June 28; to him, as the chosen representative of the Chilian minister, I communicated such points of our conversation as seemed of immediate practical advantage for the minister to know, this in official confidence, receiving in return useful suggestions and letters.

(3.) The statement, published in the New York papers are conclusive proof that the precautions taken were ample; inasmuch as the *first* information of my journey or its objects was stated by them to have been received from a paper published in Callao (South Pacific Times), July 23d, more than six weeks after I had the pleasure of an interview at the State Department.

(4.) As to any intimation by me of the contents of the sealed dispatches confided to me, it not is necessary to remark that they were delivered in good order; as to offering United States arbitration to the Peruvian Government, I was in Lima about three hours and in the company of our minister or his secretary, and left Callao for Valparaiso the evening of the day I arrived at Callao.

(5.) As to communicating the fact in South America before reaching Chili, that the United States Government would be willing to use its good offices to settle the trouble between the belligerent republics if formally requested to do so, of course I did so communicate, but to such persons only as I deemed of sufficient influence and character as to be able and willing to promote that end; in all such communications, however, I was careful to avoid all semblance of official character and to state in a general way that, when in Washington, I met friends conversant with the views of our government and "*had good reason to believe*" that such request, if formally made, would tend to an honorable settlement by arbitration.

(6.) To only three persons did I speak on the subject, except in the *most* general way, before arriving at Callao, namely:

(*a.*) Señor Godoy, minister of Chili, to Ecuador, who enjoys the confidence due to his position and personal character in Ecuador, as well as his own country.

(*b.*) Señor Pablo Arosemena, the new minister of Colombia to Peru and Chili, who was on his way to Lima to urge a settlement by arbitration, preferring the United States as arbitrator.

(*c.*) Rev. Kenelm Vaughan, private secretary of Cardinal Manning, who deservedly enjoys an extensive influence thoughout Spanish America, and was then on his way from Mexico to Lima to confer with the leading Catholic clergy of Peru, and possibly of Bolivia.

These three gentlemen, all men of responsibility and unquestionable character and all favorable to the settlement of the war by arbitration, and willing to use their influence in favor of the United States as arbitrator, seemed well worth using for this purpose. I have reason to believe that I did well in informing them that, while the United States Government has always avoided mingling in the quarrels of other states, its good offices in favor of the peaceful solution of the difficulty could be relied upon when they were sought by either belligerent.

It is possible that the fact of my meeting Minister Christiancy and Admiral Rodgers at the United States consulate of Callao, and of my going with them to Lima where I was introduced to Minister Pettis, who happened to be my fellow-passenger from Callao to Valparaiso, may have led to an imaginary importance of my voyage; especially as it was generally understood that Mr. Pettis had the subject of arbitration much at heart and was supposed to know the views of both the Bolivian and Peruvian governments. Moreover the fact of Mr. Pettis's interview with the President of Peru, at Arica, in the morning of 23d July, and of the latter having telegraphed to the President of Bolivia to meet Mr. Pettis at Pisagua, on the following morning, was not unlikely made known by telegraph in Callao the same day, which was the date of the Callao paper; more particularly as I think that, at that time, both Peru and Bolivia favored negotiation either for obtaining mediation or for gaining time. Perhaps these facts may account for the exaggerated report published in Callao, which led to some comment not less exaggerated in the United States and equally without foundation. At all events, of this I am confident, that I have taken extreme precautions to avoid undue inference and premature discussion.

As Minister Pettis was not only the diplomatic agent of the United States, but apparently in the confidence of both President Prado and Daza, I deemed it advisable to state to him before reaching Arica (Prado's headquarters), that, from what I had learned at Washington, there was no doubt but what the United States Government would be willing to use its good offices in favor of a peaceful and honorable settlement, if properly requested through the regular diplomatic channels. I however declined his invitation to accompany him ashore at Arica and Pisagua, on the ground that as I was going to Chili and likely to be brought in contact with the military, as well as the civil officers of Chili, I deemed it advisable to avoid landing at fortified towns like Arica and Pisagua, after hostilities had actually commenced, which might have become the scene of naval or military operations, in order to avoid all appearances of misusing my protection as bearer of dispatches; but that if he should find it desirable on landing, or if either President Prado or Daza requested me to meet them, I would accept an invitation to land and meet them.

At Antofagasta I met Mr. Charles C. Greene of E. Greenwich, R. I., whom I knew in Boston, and who is the agent of the nitrate works and railroad at Antofagasta. I accepted his invitation to meet Señor Santa Maria, the Chilian minister of foreign relations, who was then at his house. As I wrote out a detailed memorandum of the interview, I will here give extracts from the same for your information, merely remarking that Mr. Greene is a grandson of our Revolutionary General Greene and an honorable gentleman.

[*Extract from memorandum of interview with Chilian minister of foreign affairs, Señor Santa Maria, at Antofagasta, July, 25, 1879.*]

* * * * * * *

He invited Mr. Pettis, Captain Cross, and myself to breakfast with him, and when we refused, he said that Señor Santa Maria was at his house, at which I saw an opportunity at communication if I could get rid of Mr. Pettis, whose discretion I doubted.

By making the most of my acquaintance with Mr. Greene I managed to make Mr. Pettis believe that Greene was an old personal friend, and after some hesitation (put on) I accepted Greene's invitation to call for a moment at his house if the captain of the port was not ready to dispatch the ship. Of course the captain of the port was amenable to reason, and we went to breakfast at Greene's house, which was also

headquarters. * * * On the way to Greene's house I told him that I was consul of Chili in Boston, and was United States bearer of dispatches; that I desired that only he and Santa Maria should know that I was consul, or in fact other than as an American passenger. * * *

After breakfast, by invitation, Mr. Greene and I went with Santa Maria to the latter's room, and we proceeded at once to business. I told him that upon receiving the "circular" to the agents of Chili abroad, I proceeded to Washington and had a special interview with President Hayes and at the State Department. That Mr. Hayes expressed himself sorry that war had broken out; that he had formed a favorable idea of Chili from what he knew of it; that Mr. Evarts gave me half an hour's interview, and expressed similar views; that Secretary Seward had a long interview with me, at which I was authorized to say to either of the governments that the Government of the United States would be pleased to use its good offices to settle the quarrel whenever either of the belligerent powers should formally ask for them, but that, until thus requested, the government would preserve neutrality.

To prevent any misunderstanding I then read my memorandum of my interview with Secretary Seward.

[N. B.—So far only as concerned "arbitration by United States."]

I also told him that Minister Christiancy told me at Lima that he was satisfied that Peru and Bolivia were united, and that he was satisfied that they would not accept arbitration except upon the basis of the "ante-bellum status," as preliminary to all negotiation; that Minister Pettis insisted that the "ante-bellum status" was necessary; that I had replied to Mr. Pettis that it seemed to me, personally, that the "*statu quo*" was the only basis upon which any arrangements could be expected, which seemed only reasonable and in accordance with the custom of nations. This seemed to please Santa Maria, to whom I replied that when I left the United States the condition was so little understood that the question of "status" was not mentioned or considered; that, therefore, I had told Pettis *that* as my own personal opinion, and I repeated to both Mr. Greene and Señor Santa Maria that the question was not considered at Washington in any interview with the President or at the State Department. Santa Maria said that the *Government of Chili would never consent to arbitration on any other basis than the statu quo*, "jamas! jamas!" I also told him, substantially, what I wrote Seward in my Guayaquil letter about the British fleet and the torpedo boat at Panama, which made Santa Maria embrace me, saying that Chili had in me not only a live consul, but a friend.

I further told him about Arosemena and his mission; that he favored arbitration by the President of the United States. * * * I told Santa Maria and Greene that, as our government had [a] minister here, all communications in writing should be made to and through them; that, therefore, my communication was verbal, and that I had no *written* instructions beyond that of bearer of dispatches, for which reason I had received a special State Department passport, which I showed them; also that I had seen Señor Nuñez just before the steamer sailed from New York, and had a long interview; that he brought me letters from Asta-Buruaga, and gave me his card with a note on it for Santa Maria, which card I sent ashore with a note to Mr. Greene for Santa Maria.

* * * * * * *

I will here call your attention to the fact that the above memorandum, while it states quite minutely and exactly the substance of my interview with the Chilian minister, was not intended for any but my own strictly private use. Therefore I will here explain one point which might mislead, to wit, in regard to Mr. Pettis, "whose discretion I doubted." This I do in order that no unjust imputation may be inferred in regard to his conduct. While I think that Mr. Pettis is an honest man, with excellent intentions, and not conscious of any indiscretion, from some circumstances (which, it seems, attracted the attention of several Chilians, who spoke to me on the subject), there seemed reason to believe that he was not quite circumspect, and I therefore took the liberty of speaking frankly with him before landing at Valparaiso, in order that he might avoid the appearance of acting for Bolivian interest; and I will here state that he accepted my suggestion in the same spirit in which it was made, and subsequently told me that Mr. Osborn took the same view that I did. I will further state that I believe that he uniformly and specifically disclaimed any *special* instructions from the United States Government, and seemed to intend to act as a harmonizer. This fact it is but just to him that our government should know,

because his conduct was subjected to criticism in Chili. Feeling that such would be the case, I decided to separate myself from all apparent connection with him, however much I might like him personally. There was one point, which I think he did not sufficiently realize, namely, that the condition of public sentiment was morbidly acute on the subject of mediation, the air was full of rumors about mediation, now by this country and now by that, some indicating the use of overwhelming force. This state of things I noticed in both Peru and Chili; and I understand was actually believed by the cabinet officers of Bolivia.

In fact, the province in which I have unexpectedly, and most assuredly unintentionally, found myself is a fair illustration of the practical result of such a condition of the public mind, though I had no reason to suspect it in my case until within a few days.

Upon arriving at Valparaiso I delivered my dispatches in person to the United States consul at Valparaiso and also to Minister Osborn, who was at the consulate, as I stated in my official report to the honorable Secretary of State, dated July 30. I arrived at Valparaiso the evening of 29th July, where my friend, Señor Yrarrázaval met me the following noon. By appointment I called upon Mr. Pettis with my friend to introduce him to Mr. Pettis and to Minister Osborn, who for some reason, however, was unable to be present. In the presence of Mr. Pettis and Mr. Yrarrázaval I read that part of my "memorandum" of my interview with you which related to arbitration, in order that the *exact* conditions under which the United States might intervene should be distinctly known to both, and I farther requested Mr. Pettis to communicate the same to Mr. Osborn for his information in case I should not see him before leaving for Santiago, which he subsequently told me he had done. Mr. Pettis apparently felt confident of his ability to convince the Chilian Government of the policy of accepting the views of the Bolivian Government on the subject of arbitration, but he did not state or intimate the nature of his arguments, nor in fact did I desire to know. He also made two requests of me: 1st, that I should allow him to present his arguments to the Chilian Government in his own time and way; 2d, that I should avoid referring to him in my correspondence, as he proposed to report very minutely his doings to the State Department.

To his first-named request I replied that he might rest assured that I should not interfere in any way with his plans at present, as the minister of foreign relations was at Antofagasta, and I should therefore merely stay over a day at Santiago to formally announce my arrival at the state department and then go with my friend to his country-seat. I took this decided course because I desired, first, to entirely separate any negotiation of his from any that I might subsequently attempt; and also in order that Mr. Pettis might have no ground whatever for attributing to me any miscarriage of his negotiations, which I expected would prove futile, for several reasons. As to the second request of Mr. Pettis, I mentioned briefly and *in confidence* that he was my fellow-passenger to Valparaiso, and that I had informed him in substance of that part of our conversation which related to arbitration; this in my letter (No. 4) to you of August 14, in which I wrote, "I presume that Mr. Pettis will report to the Department his views in this matter, and therefore you will please to consider that my allusion to having met him is confidential, as I do not wish to forestall him in any way." Now, however, since I have recently read in a Lima paper the following statement of its correspondent at Tacna, dated September 2, to wit: "General Daza has been at Arica for several days. They there had a

long conference with the North American minister, Mr. Newton Pettis, who has returned from Chili." I think that no doubt can exist as to the fulfillment of my agreement with Mr. Pettis. I do not think, however that the withholding of the detailed statement (which I herewith make) was at all for the disadvantage of the United States, as the results and conclusions were promptly reported to you, and there was little, if anything, to be gained by pushing the subject during this period of delay.

As stated in my last letter to you (No. 4), I am patiently waiting until the proper time comes for advantageous action, when I shall use such arguments as will in my judgment tend to bring about the desired results we discussed in your office in Washington last June. Of course it is well to remember the old adage, "It is easier to lead a horse to water than to make him drink;" but I think, as I stated to you, that the present war has awakened all the South American states to a more complete realization of their relations to each other and other countries, and may afford an opportunity much to be desired, of which I am watching the development apparently in progress.

Long before this letter reaches you, the news of the capture of the sole remaining Peruvian iron-clad, El Huascar, at Mejillones, on yesterday, will have been received. This virtually closes the naval operations of Peru, and lays bare her coast to descents of the army and navy of Chili. It seems to me that the crisis of this war is near at hand, and perhaps may arrive before you receive this letter. I have never doubted that Chili would win the victory, and have been, as you know, inclined to believe that this war would probably result in advancing the civil and political condition of Spanish America. It is possible, therefore, that I may have important points to communicate before many weeks.

Very respectfully, &c.,

HORACE N. FISHER.

P. S.—Address letters for me, as heretofore stated, to "care of Señor Don Manuel J. Rarrázaval, Santiago, Chili."

No. 406.

Mr. Hunter to Mr. Fisher.

Personal.] DEPARTMENT OF STATE,
Washington, October 10, 1879.

SIR: I have the pleasure to acknowledge the reception of your letter (No. 4) of the 14th of August last, in relation to the progress of the war in South America, and touching the question of torpedo boats built in neutral countries for the use of the belligerents. It has been read with the same interest as your former letters.

I am, sir, your obedient servant,

W. HUNTER,
Assistant Secretary.

No. 407.

Mr. Fisher to Mr. Hunter.

HACIENDA DE PULLALLI,
Ligua, Chili, December 26, 1879. (Received February 4, 1880.)

SIR: I have the honor to acknowledge the receipt of your letter of October 10, 1879, and am pleased if my letters to Mr. Seward have proved of interest or have given additional information to the Department.

I have to-day the pleasure of forwarding to the State Department, through you, a copy of the official compilation of the law of war, recently published by the Government of Chili for the guidance of its army and navy, and entitled "El Derecho de la Guerra." Copies of this treatise were issued to the officers of the Chilian army which invaded Peru last month, and I am informed that it is obligatory upon officers in the Chilian army and navy to enforce the code thus officially established.

The treatise contains (1), the code of the laws of war adopted at the Brussels International Congress of 1874; (2), the St. Petersburg Convention of 1868 in regard to explosive bullets; (3), the Geneva Conventions of 1864 and 1868 in regard to the treatment of wounded soldiers; and (4), the code of instructions prepared by Dr. Francis Lieber, for the "Government of the Armies of the United States in the Field," which was officially adopted as General Order No. 100, United States War Department, April 24, 1879. The annexed correspondence with the Chilian Government shows the steps taken to secure the adoption of the United States code of the laws of war in the present conflict.

Allow me here to state that, though I do not have the honor to belong to any peace society, it seeemed to me very desirable to mitigate the evils of war by well established rules agreed to by the belligerents, not only upon the general principles of humanity, but upon special reasons in this case; it seemed desirable to do whatever was in my power to promote the adoption of the United States code by the other nations of America, being satisfied that uniformity in such important matters would lead to a common, mutual interest which would naturally extend to closer relations of friendship and intercourse for the mutual advantage, commercial and political, of the several nations with each other.

To this end, therefore, I proposed to Senor Santa Maria, then minister of foreign relations of Chili, at my interview with him at Autofagasta, July 26, 1879, the adoption of the United States General Order No. 100; upon his return to Santiago I presented him with a copy of the same, through the personal services of a friend, and thus carried out my promise, made him at Autofagasta, for which the personal thanks of the minister were sent by my friend and the official acknowledgment of my letter forwarded by his successor, Senor Amunátegui.

Annexed are extracts of the official denial of violations of the laws of war, published in the Diario Oficial of November 19, 1879, in vindication of charges openly made by the Peruvian Government but since repudiated by the Peruvian clergyman [Perez] in charge of the Ambulance (hospital); in these extracts not only is the accusation officially and formally refuted, but special reference is made to the above mentioned code of laws of war.

Respectfully submitting this statement for the information of the government of my country,

I have, &c.

HORACE N. FISHER.

Mr. Fisher to the minister of foreign relations of Chili.

HACIENDA DE PULLALLI, *Ligua, August* 18, 1879.

SIR: I have the honor to forward herewith by my friend, Don Miguel Yrarrázaval, a copy of General Order No. 100 of the United States War Department, dated April 24, 1863, for the "*Government of the Armies of the United States in the Field.*"

This order is the formal adoption by the Government of the United States, of the code of instructions for the use of armies, prepared by the late Francis Lieber, LL. D., of New York, which represents the established custom of nations and that branch of international law. Four years' experience during the war of the rebellion demonstrated its completeness and practical value.

Deeming that a concise, yet full code of the law of nations, so far as applicable to armies in the field, would be very desirable, both for establishing a uniform system and for mitigating the evils of war, I had the honor to give one copy of the General Order No. 100 to Mr. Christiancy, the minister of the United States to Peru, who agreed to bring it to the personal attention of the Peruvian Government; and now I have the pleasure of presenting my second copy to the Government of Chili, through you, in the hope that it may be approved and adopted.

I have, &c.,

HORACE N. FISHER,
Consul of Chili in Boston.

To the MINISTER OF FOREIGN RELATIONS,
Santiago de Chili.

(Copy.)

Mr. Fisher to General McCook.

HACIENDA DE PULLALLI, *Ligua, Chili, October* 31, 1879.

MY DEAR GENERAL: I inclose herewith a "memorandum upon the present condition of the South American republics," in which I confine my remarks to a single subject which seems to me of great importance to the government and people of the United States. I, therefore, authorize you to *read* the "memorandum" to General Garfield and your cousin "Anson;" if they approve it and it also meets the approval of yourself, you could also read the same to your friends, the President and General Sherman, and to the Secretary of State. I think it best not to publish anything regarding it or the writer, at least, not for the present.

For certain reasons I am staying at my friend's country house, where I shall keep headquarters for the present. Any letters addressed to the "care of Señor Manuel J. Yrarrázaval, Santiago, Chili," will reach me in due course of mail.

With kind regards, &c.,

HORACE N. FISHER.

General A. McD. McCOOK,
Headquarters United States Army, Washington, D. C.

Memorandum of present condition of South American republics.

At the time of the revolution Spanish America was divided into three viceroyalties—New Spain, Peru, and the La Plata.

The viceroyalty of New Spain consisted of Mexico, Central America, and the Spanish West Indies. The viceroyalty of Peru consisted of Peru, Ecuador, Colombia, Venezuela, Bolivia, and Chili. The viceroyalty of the La Plata consisted of the Argentine Republic, Paraguay, and Uruguay.

A brief consideration of the orgnization of the two Spanish viceroyalties in South America may, perhaps, explain some points, otherwise obscure, in the political relations of the South American republics.

Previous to 1776 the viceroyalty of Peru also included the Spanish province of Tucuman on the eastern slope of the Andes, now comprising the seven Argentine states of (1) Tucuman, (2) Rioja, (3) Catamarca, (4) Salta, (5) Sujuy, (6) Santiago del Estero, and (7) Cordova; this province had been an integral part of the viceroyalty of Peru from the time of the conquest; it also included the semi-independent captain-generalship of Chili, consisting of the present republic of Chili and the Spanish province of Cuyo adjoining it on the eastern slope of the Andes, which now forms the three Argentine

states of (1) Mendoza, (2) San Juan, and (3) San Luis. It further included the semi-independent province of the La Plata, consisting of the present Argentine states of Buenos Ayres, (2) Santa Fé, (3) Entré Rios, and (4) Corrientes, and the republics of Paraguay and Uruguay.

In 1776 the provinces of (1) La Plata, (2) Cuyo, and (3) Tucuman, were united as the viceroyalty of the La Plata, with the city of Buenos Ayres as the seat of government and the port of entry; whereby the province of Buenos Ayres was given an increased political and commercial preponderence at the expense of the interior provinces; the jealousy thus arising has been the cause of civil war in the Argentine Republic on several occasions since the revolution. There is even reason to believe that this arbitrary act of the Spanish Government, whereby the people of the old provinces of Tucuman and Cuyo were transferred against their will from the governments established on the Pacific coast to the then distant government at the mouth of the La Plata, and to the prejudice of their social, political, and commercial interests, hastened the Spanish-American revolution. At all events, the revolution first broke out and obtained a permanent success on the La Plata. In Chili, the revolutionists were at first obliged to seek refuge across the Andes, among their old friends in Cuyo, whence, reinforced by an Argentine army under General San Martin, they recrossed the Andes and won their independence at the decisive battle of Maypu. The allied armies of Chili and the Argentine provinces thence moved by sea against Peru, and there, uniting with the revolutionary troops of the northern provinces, under Bolivar, accomplished the final expulsion of the Spanish authority at the battle of Ayachuco, in Bolivia, in 1820.

Thus the independence of the Spanish colonies in South America was accomplished by their united efforts and, as the political successors of the King of Spain, they owned all of the Spanish possessions in South America. These they divided between the several colonies upon the basis of the boundaries existing in 1810 between the colonies. But so vague were those boundaries, so conflicting the claims based upon contradictory charters ("cedulas"), that there are to this day disputed questions as to boundaries between each and all of the South American States, without exception. From this cause have arisen exhausting wars on several occasions, some of which will here be cited.

The war between Paraguay and the three allied states of Brazil, the Argentine Republic and Uruguay, in 1865, grew out of a disputed boundary. After five years of exhausting war the allies deprived Paraguay of half of its territory. Only very recently has the Government of the United States, mutually chosen as arbitrator between the Argentine Republic and Paraguay, in regard to the ownership of the unsettled territory, known as the "Gran Chaco," rendered its decision adversely to the claim of the Argentine Republic. The war between Brazil and the states of the La Plata, some thirty years ago, arose from a claim to a part of Uruguay, pressed by the Brazilian Government. The long-pending controversy between the Argentine Republic and Chili, in regard to Patagonia, arises from contradictory grants of the Spanish crown, which apparently cover the same territory. As long ago as 1856 a treaty was made providing for the amicable settlement of this disputed boundary, and several additional conventions to the same end have subsequently been negotiated; nevertheless, within a few months, the question assumed a very warlike phase, and may lead to hostilities. The boundary between Chili and Bolivia has been the subject of controversy for many years. In 1866 a treaty was made whereby the territory between the twenty-third and the twenty-fifth degrees of latitude was made a neutral zone, in which the usufruct should be equally divided between Chili and Bolivia. In 1874 a new treaty was made whereby Chilians, resident in that zone, should be exempt from taxation and export duties on the products of their mines; the violation of that treaty is the cause of the present war between Chili and Peru-Bolivia. From the recent news it seems that the boundary question between Venezuela and Colombia is assuming a very hostile aspect, tending to war at some time in the near future. This merely confirms the statement made to me in July, by Don Pablo Arosemena, the new minister from Colombia to Peru and Chili, that Colombia had serious boundary questions with Brazil, Venezuela, Costa Rica, and Ecuador, and that each of those states, as well as Peru and Bolivia, had similar questions with *every one* of its neighbors. To show how detrimental these disputes are to the commerce and industries of the South American republics, I here quote from recent editorials in leading papers:

[Extract from editorial published in the Diario de Cundinamarca (a Colombian city), republished in the Ferro-Carril, Santiago, October 28, 1879.]

* * * It is certain that the questions of boundary between this republic and all of its neighbors require a settlement with the least possible delay. Costa Rica, Ecuador, Brazil, and Venezuela, all four nations, have territorial pretensions to our territory. These serious questions may lead to a conflict. * * *

[Extract from editorial in the Ferro-Carril, Santiago. October 22, 1879.]

* * * Questions of boundary in which Chili is now involved with its neighbors are no new thing in its national existence, but the natural and inevitable situation of all the American republics. On the other hand, these questions, which in all the other republics has been a perpetual and fruitful cause of aggression from the first days of their independence, thanks to the settled policy of prudence, of concessions, of all kinds of conciliatory and pacific arrangements adopted by Chili, have not, in all these years, produced those frequent outbursts of war, which form the international history of the people of this continent. While it would take much time to enumerate the uninterrupted series of hostilities between all the republics of South America, caused on all sides by boundary questions, it may be said that the present conflict is the first time that Chili has been involved in war of this origin. * * * Chili has neither influenced nor taken any part in the frequent quarrels in the Argentine Republic, Bolivia, Peru, Ecuador, and Paraguay. * * * Our country has lived completely devoted to the carrying out of the works of peace, and if at any time she has intervened in South American conflicts, it has been as a friendly and honored mediator, or as the aider of Peru when *her* national autonomy has been in danger, or the future of American independence at stake. While all the republics of South America have been invaded frequently by others, either alone or forming allied forces, Chili has only armed twice—in the defense of Peruvian independence and to avert a danger common to all the republics of the Pacific. * * *

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The picture thus drawn, showing the cause of war in South America, is worthy of a careful examination, and thus may we be prepared to consider whether the United States, as an honored and honorable friend of all the states on the American continent, may not be in a position to pacify these vexed questions, and at the same time to win the position of the mutually recognized leader and friend of Spanish America.

It is well known that in the United States very serious difficulties occurred in Vermont between the colonial authorities of New York and New Hampshire. This was just before our revolution. It is also well known that the complicated nature of the chartered rights of the several colonies to the territory west of the Alleghanies was one of the leading reasons why the Mississippi Valley was, by common consent, made the common property of the nation. Perhaps the statement may even be made that, the desire to permanently settle this class of questions was one of the great moving causes of the permanent union of the original thirteen States as a nation.

It is possible that the very complexity of the territorial claims of the South American republics, so dangerous to the peaceful development of the great natural resources, may lead to a similar union. For this reason the plan of Señor Arosemena, the Colombian minister *ad hoc* to Peru and Chili, is worthy of the serious consideration of the Government of the United States. That plan, which represents the official desire of the government and people of Colombia is, that a continental congress should meet at Washington, consisting of plenipotentiaries of all the Spanish American republics, under the presidency of the Executive of the United States, with the object of amicably adjusting these complicated questions. The opportunity would thus arise for considering subjects of a more extensive nature, such as a continental system of international relations, a commercial union of all America, under the hegemony of the United States, and I believe that the result would tend to the Union of all the republics in America, without depriving them of their self-government, to the peaceful development of the immense natural resources of a continent, for the mutual advantage of each, and of none more than the United States.

An invitation officially given to each of the South American and Spanish American states by the United States Government, to meet in congress at Washington, at some fixed time in 1880, for the purpose of amicably and honorably adjusting differences inherited from their colonial days—differences happily avoided in the United States by means of their permanent union under the Constitution—would, I think, meet with the joyful response of most, if not all, of the governments and people of South America, who recognize the cause, but of themselves are unable to work the cure, of the wars and their consequences, which retard the peaceful and prosperous development of a whole continent. To be thus the means of so glorious a result would be the most noble national work of the present century.

Thus there now seems again offered to the United States an opportunity to recover the position which was lost by the unfortunate neglect of the United States to take part in the Panama Congress, in 1826, that of the hegemony of all the American republics. In vain did our leading statesmen, Monroe and Adams, Clay and Webster, use their influence to have the United States take a leading part in that congress. But the proposed "*consideration of the means to be adopted for the total abolition of the African slave trade*" apparently led to the refusal of the United States Congress of that day to

support this measure of the administration In the notes to the United States Treaties, by J. C. Bancroft Davis (pp. 970,971), are citations and quotations from which the following extract is here quoted:

"The pacific objects of the congress, the establishment of close and cordial relations of amity, the creation of commercial intercourse, of interchange of political thought, of habits of good understanding between the new republics and the United States and their respective citizens, might perhaps have been attained, had the administration of that day received the united support of the country. Unhappily they were lost; the new states were removed from the sympathetic and protecting influence of our example, and their commerce, which we might then have secured, passed into other hands unfriendly to the United States."

But to-day circumstances have changed, the whole people of the United States would be united in the support of such a measure; the people of the South American and Spanish-American states would welcome such a measure as the means of their salvation. Half a century has taught the United States that a close commercial connection with the other States of the American continent is *necessary* for her rapidly developing industries, as necessary for *them* as for *us;* it has taught the new republics that separate they are weak, involved in domestic troubles, interstate controversies and subject to harsh measures from European powers, that by a union their disputes with each other could be avoided, their domestic peace maintained; but that such a union, under the auspices of the United States, would thereby become permanent.

It is therefore of consideration whether the opportunity, once lost and now apparently again presented, should not be gladly welcomed, and whether the common interests of all the republics of North and South America would not be benefited—permanently established, by the convening of a continential congress at Washington, not only for the settlement of all pending questions between the South American republics, but for the establishment of a uniform and permanent system of closer relations and friendship between all the republics in America.

This seems to me, after a very careful consideration of the subject, covering several years, and made in part during a personal visit in quite a number of the South American states, to be practicable. Such a result would be worthy of the highest statesmanship, and I believe gladly accepted by, and of the greatest interest for, not only the American people but by a continent.

HORACE N. FISHER.

HACIENDA DE PULLALLI.
Ligua, Chili, October 31, 1879.

No. 408.

Mr. Hunter to Mr. Fisher.

DEPARTMENT OF STATE,
Washington, February 6, 1880.

HORACE N. FISHER, Esq.,
Consul of Chili at Boston, Hacienda de Pullalli, Ligna, Chili:

SIR: I have to acknowledge the receipt of your letter of the 26th December last, and of the "Official Publication of the Law of War," which accompanied the same, and in reply have to express to you the thanks of the Department therefor.

I am, sir, your obedient servant,

W. HUNTER,
Second Assistant Secretary.

No. 409.

Mr. Fisher to Mr. Hunter.

HACIENDA DE PULLALLI,
Ligua, Chili, February 27, 1880. (Received April 12.)

SIR: On the 26th of December last I had the honor to acknowledge the receipt of your letter of October 10, 1879, in which you courteously

alluded to my letters to Mr. Seward. In my last letter to him (No. 6), written upon the receipt of an official telegram announcing the victory of the Chilians at Pisagua on the 2d of November, which was received as the mail was about to close, I referred him to my friend, General Alexander McD. McCook, of Washington, to whom I had written by the previous mail, inclosing a memorandum of the "Present condition of the South American Republics," in which I had suggested the propriety of our government inviting the several South American governments to meet in a continental congress at Washington during the present year, not only for the settlement of all pending questions between them, but for the establishment of a uniform system of closer relations and friendship between all the republics of America.

In that memorandum, after briefly stating the historical relations between the South American states, I alluded to the cause—at least a prominent cause—of their past wars with each other. If it will not be presuming too much upon your courtesy, I will submit an extract from that memorandum, as it expresses my views at that time, which I have seen no cause to alter, and which, together with the plan suggested for a continental congress, meet the full approbation of the friend, a well-known statesman and senator of Chili, whose guest I have been since my arrival in Chili.

MEMORANDUM.

The present condition of the South American Republics.

[Extract.]

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Thus the independence of the Spanish colonies in South America was the result of the union of the several colonies, and as the successors of the King of Spain, they held all the Spanish possessions in South America; these they divided, on the basis of the boundaries existing in 1810, between the colonies. But so vague were those boundaries that there are to this day disputed questions as to boundaries between each and all of the South American states, which have resulted in war on several occasions.

Thus the war between Brazil and the states of the La Plata grew out of a claim of Brazil to a part of Uruguay; the war of 1865, between Paraguay and the allied states of Brazil and the Argentine Republic grew out of a disputed boundary question; only very recently has the United States Government acted as arbitrator (mutually chosen) between the Argentine Republic and Paraguay, in regard to the unsettled territory known as the "Gran Chaco." Within a few days ex-President Sarmiento, the Argentine minister of state, has officially alluded to a disputed territory between Bolivia and the Argentine Republic. In July, 1879, Don Pablo Arosemena, the Colombian minister to Peru and Chili, informed me that Colombia had boundary questions still pending with Brazil, Venezuela, Ecuador, and Central America, and that each of these states, as well as Peru and Bolivia, had similar questions to settle with each of its neighbors.

The long-pending controversy between the Argentine Republic and Chili with regard to Patagonia, arises from contradictory grants from the Spanish Crown, which apparently cover the same territory; as long ago as 1856, provision for the settlement of this question was made by treaty, and several additional conventions have since been made with the same object.

The boundary between Chili and Bolivia has been the subject of controversy for many years; in 1866, a treaty was made by which the territory between the twenty-third and twenty-fifth degrees of south latitude was made a neutral zone; the subsequent convention of August 4, 1874, was made to regulate the rights of their respective citizens in that neutral zone, and to effectually close the controversy; the willful violation of the said convention has resulted in the present war between Chili and Peru-Bolivia.

In 1878 the controversy in regard to Patagonia assumed such a warlike phase that hostilities seemed unavoidable. It is believed that this induced Bolivia to proceed to the flagrant violation of the treaty-rights of Chilians in the neutral zone between 23° and 25°, knowing that Peru was ready to aid her in accordance with the secret treaty of 1873. * * *

Thus the statement of Señor Arosemena to me in July, 1879, seems fully corroborated—namely, that there are disputed boundary questions between every one of the South American states and its neighbors, which have already resulted in war on several occasions and are liable to cause war at any time until they are settled. Therefore he had the plan of having all the South American states meet in a continental congress at Washington, by means of plenipotentiaries duly appointed, the object of which should be a final adjustment of these complicated questions.

It is a well-known fact that in the United States very serious difficulties occurred in Vermont between the colonial authorities of New Hampshire and New York, in regard to their jurisdiction in Vermont; this was just before our revolution; also that the complex nature of the chartered rights of the several colonies to the territory west of the Alleghanies was the principal reason why the Mississippi Valley was made the common property of the nation; there is also reason to believe that the desire to settle this class of questions was one of the causes which led to a *permanent* union of the original thirteen States as a nation.

Perhaps the very complexity of the claims of the South American Republics, so dangerous to the peaceable development of their great natural resources may lead to a similar union. For which reason the idea of Señor Arosemena—of a continental congress to meet at Washington, consisting of plenipotentiaries from all of the South American Republics, under the presidency of the President of the United States—is worthy of consideration; because whatever the results actually accomplished by the Congress, it will furnish an opportunity for the representative men of each of the South American Republics to know how similar difficulties were settled in the United States, and to behold the results accomplished by a century of peaceful development of natural resources, no greater than those which they possess, by means of a permanent union.

In fact the work of the "Congress of jurisconsults," which, composed of plenipotentiaries of all the South American republics, met at Lima December 9, 1877, to "*create a formula of common law for the whole continent of* [Spanish] *America*," as was stated by one of the plenipotentiaries in preparing the treaty of November, 1878, is an earnest of the general desire of Spanish Americans for unification. That treaty, which has been submitted for ratification to the signatory governments, establishes the rights of their respective citizens in other republics of South America upon a basis similar to that provided by our Constitution for the citizens of the United States in the several States of our Union.

In view of the facts (1) that the congress of jurisconsults could agree upon so complicated and important questions as those covered by their "Code of private international law," which was embodied in that treaty in full, as clear and concise as it is harmonious and just to the State and its alien residents, and (2) that the time seems to have arrived when the people of all the South American republics are aroused to an appreciation of the dangerous condition of their mutual insecurity, owing to ancient but unsettled territorial questions, and of the necessity and advantage of closer union; in view of these facts, it seems that there is an opportunity for the United States, as the friend of all, to recover the position which was open to her at the time of the "Panama congress" in 1826, namely, that of the recognized leadership, the hegemony, of all of the American republics.

Presidents Monroe and John Quincy Adams, statesmen like Webster and Clay, exerted their influence to have the United States take a leading part in the congress. But one of the proposed measures, "The consideration of the means to be adopted for the total abolition of the African slave trade," apparently led to the refusal of the United States Congress to be represented at the Panama Congress, as recommended by the President.

The pacific objects of the congress, the establishment of close and cordial relations of amity, the creation of commercial intercourse, of interchange of political thought, of habits of good understanding between the new republics and the United States, and their respective citizens, might perhaps have been attained had the administration of that day received the united support of the country.

Unhappily they were lost; the new States were removed from the sympathy and protecting influence of our example, and their commerce, which we might then have secured, passed into other hands unfriendly to the United States. (See J. C. Bancroft Davis's notes to United States Published Treaties, pp. 970–'71, and references by him cited.)

But to-day circumstances have changed; the lost opportunity is again presented to the United States. Half a century of experience has taught the United States that a close commercial connection with the Spanish American republics is necessary for *her* rapidly developing industries, as necessary for them as for her; it has taught the new republics that separate they are weak, involved in domestic strife and foreign controversies; that by a union with each other their domestic peace could be maintained.

It is worthy of consideration, therefore, whether this opportunity, once lost, should not be gladly welcomed, and whether the common interests of all of the republics of North and South America would not be benefited by the convening of a continental

congress at Washington, not only for the settlement of all pending questions between the South American republics, but for the establishment of a uniform system of closer relations and friendship between all the republics in America.

The memorandum concluded by suggesting that the President should be authorized to invite the South American republics to send plenipotentiaries to a continental congress to meet at Washington, at some time fixed in the present year, for the purposes above specified. I have nothing to add to or take from that suggestion made October 31, 1879, except that I have since met Señor Arosemena, who gives it as his opinion that such a proposition, coming from the President of the United States, would be gladly and respectfully received. Friends of mine in Chili express the same opinion.

Within a short time active operations will be renewed by the Chilian army and navy. From information I have, it seems likely that the information of another expedition having landed in Peru north of Tarapaca will reach you by telegraph sometime before this letter reaches you. The views I have heretofore expressed in my letter of August 14, 1879 (No. 4), are unchanged as to the general object of the war. The landing at Pisagua accomplished the reduction of the Peruvian province of Tarapaca, but not the occupation of Southern Peru, and the capture or dispersion of the allied armies there stationed; nor the dissolution of the Peru-Bolivian alliance, all of which seemed then likely to follow the attack upon Arica.

As, however, this letter has reached a considerable length, and refers to other and more peaceful subjects, I will merely add that in my judgment the next few months will bring about most important questions for all of South America: the change of national boundaries, the establishment of national rights, the opening to civilized industry of parts hitherto neglected or unknown.

These questions must be settled; perhaps none of the South American States is of sufficient preponderance to do this; some friendly neutral power will probably have this work to do. None is more trusted than the United States; none more disinterested and friendly, as history proves. But the great country which successfully carries this work to a conclusion will predominate in all South America for the next century.

Respectfully submitting these suggestions to you and to the State Department through you,

I am, sir, &c.,

HORACE N. FISHER.

No. 410.

Mr. Fisher to Mr. Hunter.

SANTIAGO, CHILI,
October 22, 1880. (Received December 6.)

SIR: In my report to the Department, as bearer of dispatches, dated July 30, 1879, I wrote to the honorable Secretary as follows:

Although it is not within the scope of my duty as bearer of dispatches, I take the liberty of stating that it seems to be the general feeling that, if any occasion for arbitration or mediation in the present war on the west coast should arise, the good offices of the United States would be preferred to those of any other country in America or Europe.

I can now go further, and state with perfect confidence that the only government whose mediation would be accepted by Chili is that of the United States; and I make this statement with the full knowledge of the views of the President and ministry of Chili, and of the views of the leaders of the political parties in the Chilian Congress.

This statement was made in my letter of September 30, 1880, to my friend General Garfield, in which I discussed the questions growing out of Minister Christiancy's recent visit to Chili, and the reasons given why I did not think that the mediation of the United States would prove successful at the present time.

In my letter to your colleague, Mr. Seward (No. 4), dated August 14, 1879, I expressed my opinion at that time as follows:

> In view of the present general unanimity for the vigorous prosecution of the war and of the apparent preparation for immediate military activity, I do not think it advisable to press the idea of arbitration, believing it likely that no basis could be agreed upon which would fix the *status* of the belligerents during negotiations. The idea of arbitration has already been advanced by neutral states of both Europe and America. * * * I am satisfied that the United States would be preferred as arbitrator by all three of the belligerent countries to any other; but that in the present condition of affairs there is so great a difference as to the *status* during negotiations—Chili insisting upon the *status quo* and Peru and Bolivia upon the *status ante bellum*, that it is not advisable to press the subject at present.

I will here state that, from information I have since received, it would have been feasible for Peru—Bolivia to have made peace at that time by the cession to Chili of the "neutral zone," which would have given Autofagasta (already occupied) to Chili if they had had the wisdom to have accepted the condition-precedent insisted upon by Chili in regard to the status during negotiations.

In a later letter to Mr. Seward (No. 5), dated October 9, 1879, I used the following language in regard to mediation and commercial matters discussed with him in June:

> As stated in my last letter to you, I am patiently waiting until the proper time comes for advantageous action, when I shall use such arguments as will, in my judgment, tend to bring about the desired results we discussed in your office at Washington last June. Of course, it is well to remember the homely adage, "It is easier to bring a horse to water than to make him drink;" but I think, as stated to you, that the present war has awakened all of the South American states to a more complete realization of their relations to each other and to other countries, and that it may afford an opportunity much to be desired, of which I am watching the developments now in progress. * * * I have never doubted that Chili would win, and have, as you know, inclined to believe that this war would probably result in advancing the civil and social condition of Spanish America.

As to the last named opinion, I have no reason to question the correctness of the views expressed a year ago.

As to the statement made in the former part of the extract above quoted, I am happy to be able at last to state that my patience has been rewarded, so far, at least, as the results alluded to refer to the plan for opening the Chilian market to American manufactures.

As consul of Chili, I could suggest measures for the mutual advantage of the United States and Chili which no foreign minister could ask for; and the government has accepted, after a prolonged discussion, my recommendation for the assignment of a part of the National Exposition building at Santiago for the permanent exhibition of samples of standard manufactures of the United States of all kinds not likely to deteriorate. There remain a few details to be arranged, which I expect to conclude within a week.

I have also made the proper preliminary arrangements for a new

commercial treaty, on the basis of limited reciprocity, which, however, for certain reasons, cannot be successfully carried through until next year; these reasons I will communicate in person when I report at the Department in Washington, in December.

In addition to the above, I have presented a note to the government, after informal conference, to learn whether it would be well received, in favor of including in the proposed treaty of peace certain commercial provisions, which will, if adopted, make a commercial treaty of reciprocity between the United States and Chili the means not only of vastly benefiting Chili, but of giving the control of the foreign trade of the whole west coast of South America to the United States, a trade which, in 1876, was worth $200,000,000 annually, but of which we only had in that year 3 per cent. I have reason to believe that this suggestion, made in my note of October 19, 1880, has been favorably received by the government and some of the leading statesmen of Chili, and is not unlikely likely to be adopted as a basis of peace negotiations.

Thus, by various means and not a little patience, I have at length attained the principal objects of my present visit to Chili. It has been necessary to wait for the proper opportunities to make the successive steps in this rather complicated affair. But they have been surely taken, and I have no reason for anticipating that there will be serious difficulty in building upon the foundation, thus laid, a comprehensive commercial policy of the United States in regard to South America, whereby the trade of that continent may pass into the hands of the United States for their benefit as well as for ours.

As to mediation, I have already intimated that I have no confidence that the conference at Arica will result in peace at present. I confess that, however much, peace is to be desired, it seems to me doubtful whether the time has quite come to make a peace which will be permanent and allow the belligerents to devote themselves to the development of the great natural resources of their respective countries. Nor do I believe that the interests of other nations will suffer by delay in making peace.

With these views I am forced to believe that the movements in that direction, made by our representatives near the governments of the respective belligerents, have been premature, and that the failure to accomplish the desired results of the mediation of our government, at the Arica conference, is to be apprehended. In fact I took the liberty to express to Minister Osborn, on the morning he left Santiago to attend the Arica conference, that I did not believe that any permanent peace could be negotiated until the Chilian army had arrived in the Bay of Callao, when, in view of the imminent and overwhelming danger to Lima, the Peruvian Government would be entreated by the people of Lima to make any terms of peace necessary to save their city from the dangers incident to a battle fought at its very gates, and that thus the Peruvian dictator would be able to accept the terms of Chili without having his government overthrown. My opinion is that Piérola would be glad to make peace on any terms rather than to continue the war. I give him credit for intelligence enough to understand that the longer the war continues the harder will be the terms granted, and the worse the condition of the country to recover from the effects of the war; that Peru is hopelessly vanquished; that the Peru-Bolivian confederation is impracticable as a permanent thing under existing circumstances, and that sooner or later Peru must sue for peace. But I also think that for Piérola to make peace upon the terms that Chili expects and can enforce, while his army at Lima is intact, and the people are still blinded,

as it seems to have been Piérola's policy, to the completeness of their military and naval overthrow, would not only lead to the violent overthrow of his government by revolution at Lima, but would not unlikely cost him his life if he did not escape from the hands of the mob.

For these reasons I believe that it is hardly possible for the present conference of plenipotentiaries at Arica to make a treaty of peace which will be ratified by the Chilian Congress and accepted by the people of Peru and Bolivia. But when a large and well-equipped veteran army has arrived in Callao Bay and is ready to land under the guns of the Chilian fleet and force its way into the streets of Lima, an army superior in numbers, arms, discipline, and fighting qualities to the improvised army of Piérola, I think that *then and not until then* can the friendly mediation of the United States prove efficient in bringing about peace.

Therefore, I believe that *the true time for our mediation to be made will be after the Chilian army has arrived in the Bay of Callao and at the island of San Lorenzo*, which forms that bay, and is in full sight of Lima. A conference at San Lorenzo would probably, at that time, bring good fruit, which I doubt very much from the conference at Arica.

Meanwhile the military preparations for the march to Lima are rapidly progressing, as the Chilian Government announced in accepting the invitation to take part in the Arica conference, and Peru—Bolivia will not gain time by peace negotiations.

The Turks thus recently saved Constantinople from assault by making peace when the Russian troops came in sight of the dome of San Sophia; yet the Turks are better soldiers than the Peruvians, and had had the satisfaction of having well and stubbornly resisted their conquerors. So I think there is good prospect for successfully carrying out the benevolent intentions of our government as a mediator and a friend—trusted by all the belligerents—by renewing the, offer of mediation *after* the Chilian army has reached Callao Bay and before it lands. Then—if the Peruvians are still determined to deceive themselves and trust to defend Lima by force of arms, and mines of dynamite, and similar experiments of doubtful utility, rather than make the best terms they can—I see nothing for it but for our government and our ministers to remain strictly neutral in regard to the sad results which must inevitably ensue.

As Hamilton said, "A country without a government is an awful spectacle," it may also be said that a city taken by assault terrifies the imagination. Both of these spectacles are likely to be presented to the world if no peaceful submission is arranged at San Lorenzo; for it must be remembered that for years Chilian laborers in Peru have been treated worse than dogs; that when war broke out all the Chilians in Peru were ordered to leave the country at a few hours' notice; that at Iquique only six hours' time was allowed them, and there was no ship to take them to Chili, so that some thousand of men, women, and children were forced to cross the desert to Autofagasta, fully half of whom are said to have died of thirst on the way; that Chilian merchants, long resident in Peru, and married to Peruvian women, were ordered away by the *first* steamer, and allowed to take no more than a pittance of specie with them. I met one of these victims on the steamer from Panama to Valparaiso; he was far gone in consumption; his passage home had been given him out of compassion by the steamer's company. He was not allowed to land at Callao, and his wife and daughters bade him an eternal adieu in his stateroom. He seemed to be a very inof-

fensive gentleman. Ladies, whose only offense was their being Chilian by birth, although married to Peruvians, were in like manner summarily deported by the *first* steamer, although it took them away from instead of towards the place they wished to reach. The sufferings of unfortunate Chilian women of humble station became so outrageous that men were sent ashore from the neutral men of-war at Callao to protect them from the violence of the mob. Now, then, when it is remembered that thousands of officers and soldiers in the Chilian army have personal grievances to avenge, aggrieved either in their own persons or of those near and dear to them, it is much to be feared that if Lima should be taken by assault terrible vengeance will be exacted upon the conquered. In prevision of such event I here state the mitigating causes, in order that you may not form too hasty a judgment, and, further, that our government may not, from any disappointment as to the result of its well-intended mediation at the Arica conference, be indisposed to renew its beneficent efforts at a more convenient opportunity to prevent bloodshed and bring about peace.

These opinions I take the liberty to express for the information of our government; they have been formed after a careful study of the questions growing out of the war and anterior to the war, and have been made after observations under exceptionally favorable circumstances during the fifteen months since my arrival in Chili. As nearly as I can judge, Chili will insist upon the following bases of peace:

(1.) Measures which will prevent Peru from resuming the offensive—renewing hostilities—for a term of years;

(2.) Cession of Tarapacá and possibly of Arica, on account of Peru's inability to pay a money indemnity adequate to the cost and damage of the war to Chili;

(3.) Cession of the Bolivian Litoral, between Tarapaca and the former Chilian frontier, for same reason;

(4.) Commercial advantages, allowing Chilian products, &c., to enter Peru and Bolivia free of duty for a fixed time; and I hope to include the nationalized products of Chili.

(5.) Payment of private claims of Chilians for confiscated property.

I expect to conclude the negotiations, which I came here to make so as to be able to leave Valparaiso for the United States, on November 6, and upon my return to have the pleasure of reporting in person at the Department in Washington.

Trusting to find you with your health restored, &c.,

I have, &c.,

HORACE N. FISHER.

No. 411.

Mr. Fisher to Mr. Hunter.

SANTIAGO, CHILI, *October* 29, 1880.

SIR: On the 22d instant I had the honor to write you in reference to questions affecting the interests of the United States. In regard to *mediation*, I stated then that I had "no confidence that the conference at Arica will result in peace at this time," and gave my reasons for apprehending its failure. The official announcement of this disappointing ending of our friendly mediation was officially announced by the Government of Chili in the Diario official of Chili yesterday morning.

It is, however, a pleasant thing for me to report that throughout the whole of the public discussions growing out of the mediation of the United States, I have not observed the least harshness of opinion expressed towards the United States either in Congress, in the press, at the clubs, nor in private. On the contrary, the unanimous opinion in Chili has been, so far as I can judge, that the United States Government has been actuated by the most friendly sentiments, and its good offices have been accepted, by Chili at least, in the same generous spirit and from a desire to avoid unnecessary bloodshed, reserving, however, its freedom to enforce a peace which shall prevent a repetition of the danger which has menaced Chili.

I am satisfied that no other country but our own could have passed through the crucial ordeal of probably the bitterest debate ever had in the Chilian Congress, to which Mr. Christiancy's visit to Chili gave rise, with such unqualified proofs of respect; and therefore believe that our government has gained rather than lost influence, in spite of the failure of the Arica conference held under its auspices.

There seems no reasons for modifying my opinions, expressed in my letter of October 22, that the movements of the representative of our government were premature, and (2) that the friendly mediation of the United States may be renewed under circumstances indicated in that letter, when they will be gladly received by all of the belligerents and will, if judiciously managed, not only solve one of the most delicate problems of interstate differences, but prove for the permanent advantage of the United States both from a political and commercial standpoint.

Although the result of the Arica conference is naturally a disappointment, and may even prove an embarrassment to our own government in many respects, still I hold to the opinion expressed in my last letter, that "however much peace is to be desired, it seems to me doubtful whether the time has come to make a peace which will be permanent and allow the belligerents to devote themselves to the development of the great natural resources of their respective countries." This opinion is not suddenly formed, but is the result of a careful study of the relations heretofore and still existing between not only the belligerent states but between all of the states of South America.

In a memorandum upon the relations of the different states of South America, which I forwarded to you early in the present year, I briefly reviewed the peculiar relations which each state of South America had with *every one* of its neighbors growing out of their conflicting title to unoccupied lands or lands until recently of but a nominal importance. The present war is one of the results of that unfortunate condition of things. This conflict of claims has proved a factor for evil in the history of South America for more than half a century. Until some proper and definite settlement can be reached similar results are to be expected from time to time in the future. I cannot but think that unless the present war is carried to its logical conclusion, the acknowledgment by one of the belligerents of its complete overthrow in the war, and its unconditional submission to the fate of war, when generosity can safely and consistently be shown by the victor, the result will be adverse to the general and permanent peace of South America; that therefore the interests of humanity and of every foreign nation, as well as of the three belligerent states, will be best served by as rapid a campaign as may be possible to bring Peru-Bolivia to terms of unconditional surrender. No surgeon would be justified to stop his knife in the midst of a capital operation, which must be completed to save the patient's

life, simply because the patient or the by-standers suffer pain, or from sympathy.

In our rebellion how barren the strife, how useless the cost of blood and treasure, if the war had stopped midway! Neither party victorious; each representing views incompatible with a permanent peace with each other; the great permanent results of the war would have been surrendered for the sake of a temporary peace. Similar would be the case with the belligerent states who accepted our mediation if the Arica conference had not failed. An armed peace—nothing less—would have been forced upon not only the belligerents but upon their neighbors. The manifest evils of such a peace should make us so grateful that even our disappointment should give way to joy that so great an evil has been escaped; an evil not intended when the Government of the United States offered to befriend those sister republics which trusted in our friendship, and may become most useful neighbors.

* * * * * * *

Respectfully, your obedient servant,

HORACE N. FISHER.

P. S.—I may be delayed leaving until November 13 by business alluded to in former letter.

H. N. F.

No. 412.

Mr. Shipherd to Mr. Walker Blaine.

Personal.] NEW YORK, *July* 27, 1881. (Received July 28.)

DEAR SIR: On leaving the residence of the Secretary of State yesterday morning, I learned from Senator Blair that the gentleman who had shared the latter part of our interview was the Assistant Secretary of State.

Will you allow me to annex this note to that conversation?

Can you, then, give me the present address of Suarez? and can you suggest a method of awakening in him a desire to confer with me? I would like to meet him at once, but he should properly seek me, and would soon do so if the real facts were hinted to him.

In connection with the examination of the Cochet claim, which the Secretary was good enough to say should be at once entered upon, I shall be glad to be called on from time to time for any explanation or further data which the examiner may desire. Of course, as the papers stand, there are links only outlined and data summarized in some places; I used such data as were placed in my hands in the first instance; these seemed to make a *prima-facie* case; every allegation will be fully supported in detail in due course.

Meanwhile I will prepare and print for the use of the Secretary a brief of the law covering especially the doctrine of choses and their international assignability; this I hope to be able to forward, say by the 15th proximo.

If consistent with all the proprieties of the premises, I would be aided if I knew precisely what the *crédit industriale* desires to do in Peru, and what co-operation on the part of the United States its agents have asked.

Also, if I might have an authentic abstract of the special instructions cabled or posted to Minister Hurlbut concerning the premises discussed with the Secretary on Monday evening and Tuesday morning, I should be able to act with more precise intelligence, and there might be annexed to this any restriction concerning its use which the Secretary should think it proper to direct. I am the sole executive head of both the Landreau and the Cochet claims at present, and shall so continue until the final organization is perfected; and while I do need full and authentic information for my own guidance, I do not need to share it.

Very respectfully,

JACOB R. SHIPHERD.

Hon. WALKER BLAINE,
Assistant Secretary of State.

No. 413.

Mr. Shipherd to Mr. Blaine.

LAW OFFICE OF JACOB R. SHIPHERD,
10 *Spruce street, New York, July* 28, 1881. (Received July 29.)

SIR: In a note to the Third Assistant Secretary of State yesterday I promised to prepare and print at once a brief of the legal questions discussed at our recent conferences. Pending this it occurs to me to forward to the Department, for use in the examination, a duplicate set of all the papers as yet printed, and to add duplicate originals of two affidavits by Mr. Hevner, touching all the material allegations so printed. By the end of August I am to receive from Paris certified original proofs of the death, intestacy, &c., of Alex. Cochet. All other original proofs will be supplied in due course.

While I am writing, it occurs to me to phrase a little more broadly than I did in conversation the suggestion which the Secretary of State was so good as to allow me to make. Our thought and our scheme are in fact as broad as this:

The Landreau and Cochet claims are but subordinate factors in our programme. Equally in the interest of the European holders of $300,000,000 of now worthless Peruvian bonds, and of *Chili* herself, as an admitted creditor, we appear to call a conference of the creditors of the insolvent, to demand a proper receiver and a marshalling of the assets, to the end that equal justice shall be done to all. Neither now nor hereafter shall we demand any more. Equally with all other creditors we are prepared to prove both our claims by incontestable proofs, and to take only our proper place in the settlement.

We appeal to the United States to take such measures only at present as shall effectually forbid Chili, who is only one creditor, to administer alone upon this estate.

We point out that we are the owners *in identity* of every ounce of guano remaining, with large amounts still due.

To allow Chili to touch any guano is impossible; to allow her to annex Tarapacá, with $2,000,000,000 of nitrate for her petty war indemnity, would be monstrous.

"If the court please," we ask an unconditional injunction pending a meeting of creditors, and we ask no more at present.

Very respectfully,

J. R. SHIPHERD.

[Inclosure.]

Deposition of Peter Hevner.

CITY AND COUNTY OF NEW YORK, *ss:*

Peter Hevner, being duly sworn, says:

I was born in Corbin County, Pennsylvania, in 1819. Brought up to general building and contracting.

First went to Peru in 1853; went into general contracting; built railroad from Lima to Chorillos, in 1854, for Don Pedro Coredama. Road was over nine miles; staid about six years; built the powder-works, penitentiary, and a great deal other government work. In 1860 I went into mercantile business in Lima, Callao, Arequipa, and Trugillo; had a house in each place—Hevner, Dockendorff & Co. In 1865 and 1866 I took a contract of the government under which I remodeled the monitor Loa, and rifled the Peruvian cannon which defended the harbor of Callao against Spain.

Then I had government contracts during nearly all my stay in Peru until 1866.

I sold out my commercial interest in 1866, and came to the United States. Went back to Peru in 1872; got the Salaverey and Trogillo Railroad—contract to build it—in company with Larsaga. In 1874 I got the government contract to build a bridge over the Upper Remack; all the materials for which have been destroyed—so says the report—in the port of Molva; these I had shipped from the United States.

First heard of the Landreau claim thirteen years ago; knew J. T. Landreau; began loaning him money about that time. In 1874 I purchased an interest in the claim from Landreau. I soon after advanced him money to bring him to the United States and to bring his brother from New Orleans to meet him in Washington to arrange with the United States Government. When we came to the United States and made our claim before the government, Mr. Thomas was then sent out as minister, and I went back immediately after, and I thereafter got the official information from Mr. Thomas on which I kept on advancing the Landreaus money whenever they wanted it, and I assisted Mr. Thomas in obtaining the material proofs to support the Landreau claim, and I have been pushing this claim ever since. I still own my interest in the claim, and I have a general power of attorney from J. C. Landreau authorizing me to sell out the whole of his interest at my discretion.

On my return to Peru, in 1879, after the return of J. T. Landreau from France, in the same year, I heard from him the principal particulars of the Cochet claim. I had heard generally of Cochet, and that he was recognized by the government and the people of Peru as the true discoverer and utilizer of guano ever since my first arrival in Peru; this was universally known by all well-informed business men in Peru, and I never heard his claim to be the true discoverer questioned by anybody.

Cochet was always recognized to be the true discoverer when the matter was spoken of in my hearing. I can give the names of a number of well-known men who knew this general fact as well as I did; such as Juan Williamson, of Lima; Patrick Dowley, also of Lima, who must now be eighty years of age; J. T. Landreau, General Bustemente, of Lima; James Hinsbey, of Lima, an Englishman, and the great house of Anthony Gibbs & Co., who were at one time very largely in the guano trade. I have other names in my memorandum books which I cannot at the moment recall.

There was also Don Philip Bareda, a brother of M. Bareda, who was formerly minister to the United States. Don Philip and all the others I have named knew Cochet personally and intimately; Cochet in his day was one of the most notable and distinguished men in Pern as a chemist and discoverer.

From Landreau I first learned of the death of Cochet, and of his heir, Gelacio. And on that information I looked up Gelacio, investigated the claim to my own satisfaction, and purchased it. I advanced the money necessary to hunt up the heir's baptismal record and establish his identity and heirship. The necessary steps in these premises I took under advice of Peruvian counsel, who advised me that the papers which I have exhibited to Mr. Shipherd, and which he has printed (in translations), gave full proof under Peruvian law of the rights of Gelacio as sole heir of Alexandre Cochet, and of my title to all such rights by assignment from the heir. I had then no idea of selling these rights, but I demanded and secured all the proofs necessary under advice of counsel to perfect my own title.

As to the Landreau claim in the Senate, Senator Carpenter was the sub-committee who examined the whole case thoroughly, and told me it was the most honest claim that he had ever known to be put before Congress. After his health got bad he sent me to Senator Eaton, and he told me that the Senate would either concur with the House or would throw the whole responsibility on the Executive, as they finally did at my request, and I made that choice under advice of Senator Eaton, who told me that Mr. Blaine was sure to be Secretary of State, and that if the whole responsibility was thrown on the Executive, my case would be better taken care of by Mr. Blaine alone than by both houses of Congress put together.

Mr. Carpenter said to me at a second interview, "Take my compliments to Mr. Eaton, and tell him I have passed that claim favorably, and have done all I can do for it, for I shall not be able to get to the Senate again this session; and as I, as sub-committee, have done all I can do for the claim, Senator Eaton can pass the bill without me."

Then I called upon Mr. Eaton, and it was at that time that he told me that it would be best for me to dispose of the bill as it was disposed of, because Mr. Blaine was sure to be Secretary of State, and he was a progressive man, &c., as I have already stated.

After the bill was passed, Mr. Christy told me that he met Mr. Eaton in the Capitol, and asked him why he had passed the bill in that way, and he replied that he had done the best possible thing for the claim by passing the bill in that way, because Mr. Blaine was sure to be Secretary of State, &c.

As to the measurement of Landreau's deposits, I myself read the official reports published at the time, one by Peruvian officials and the other by English engineers sent over by European bondholders; and the English engineers found a larger amount than the Peruvians. The loan of $200,000,000 was made between 1868 and 1870, in Balta's time. In 1873 Pardo wanted to make another loan. The measurements were made about 1868 and 1869. The loan of $100,000,000 through Dreyfus was made in February, 1880. The Cochet deposits were not exhausted when Landreau's were measured, in fact are not exhausted yet.

I have an original copy in Spanish of the pamphlet which I recently published (in English) for Mr. Shipherd. It cost me nearly $8,000 cash. It was brought from among the papers of the Peruvian Senate. I keep the original pamphlet in Lima, and a copy of it (in Spanish) in Philadelphia. There can be no doubt whatever of the genuineness of the original. I have a copy of another pamphlet written and published by Cochet before 1840. This I received from Gelacio Cochet, as also the photograph of his father, from which the cut I gave Mr. Shipherd was engraved. This photograph I have in Philadelphia.

I first began to observe the guano business particularly in 1860, when I was the preferred man to load guano under contract. I spent ten months there in perfecting my arrangements to take the contract, out of which Calderon (a cousin of the provincial President, to whom the contract was given in my absence) is said to have made $12,000,000. In 1874 I was again the preferred man, but was once more absent when the award was made.

During the last twenty-one years I have watched the business closely in Peru and in this country, and the figures which I gave Mr. Shipherd, and which he has put into his pamphlet, are summaries and averages of official statistics which I have myself read in the official journals, and which I am prepared to verify by original proofs at the proper time. I personally and well knew the house of Anthony, Gibbs & Co., at Lima, as also John T. Ford, ever since he first came to Lima to open the Bank of Mexico, London, and South America, the first bank ever opened in Lima, and Dreytus when he was a retail dry-goods merchant, before he went into guano first.

The account I gave Mr. Shipherd of the manner in which Dreytus got his first guano contract was town talk; it was universally reported, and never questioned as to its accuracy. I intimately knew all the leading guano men of Peru during my residence there, including Schell, Dreyfus's partner—who grew very wealthy; and Don Filipo Baredas, Whitt, Schutt & Co., and Schama Condeya.

I also intimately knew Presidents Pardo, Prado, Piérola, Balta, Castija, and Calderon. For about fifteen years under Castija I had every contract the government gave out; no other man had one.

As to the nitrate business, my attention was called to it by Mr. James Matthews about twenty years ago—say 1860. I never was in it myself, but I noticed that John Gildermeister, Anthony, Gibbs & Co., Schama Condeya, and every one else who was largely in the business made fortunes out of it. Aside from the names above given, the chief operators in nitrate were Chelanos. President Pardo went into it very largely just before he was killed.

The figures I gave Mr. Shipherd and which he published in his pamphlet are based upon the official returns published monthly and quarterly, which I made a habit of reading myself, as they appeared for many years.

The extract printed at the foot of page 43 in Mr. Shipherd's pamphlet is from the pamphlet for which I paid nearly $8,000, as above recited; its accuracy Mr. Williamson and I tested by personal examinations of the original files of the Correo and Comercio therein referred to. These examinations were chiefly made by Mr. Williamson, but in my presence and with my help, in the public library in Lima.

There can be no question as to the substantial accuracy of that extract.

P. HEVNER.

Sworn to before me this 11th day of July, 1881.

CHAS. SPIRO,
Notary Public, New York County.

CITY AND COUNTY OF NEW YORK, *ss*:

Peter Hevner, being duly sworn, says:

I have read the Prospectus of the Peruvian Company and the reprint of papers executed by Gelacio Cochet, and I hereby state for the guidance and safe reliance of Jacob R. Shipherd and whomsoever else it may concern, that the statements of fact in the said Prospectus are substantially true to my own knowledge, and that the agreement of sale and powers of attorney, as printed and signed by me for identification, are true copies of a true translation of the originals in Spanish, and that the said originals were duly executed and delivered by Gelacio Cochet in my presence for the uses and purposes therein specified.

P. HEVNER.

Sworn to before me this 23d day of May, 1881.

FRED. F. NUGENT,
Notary Public (14) *New York County.*

[Private. Copy No. 71.]

NOTE.—Only a limited number of copies of this Prospectus is printed, and these are for the *strictly private* use of the gentlemen in whose hands they are immediately placed. Not only is no offer of stock to be made to the public, but until the organization is finally complete, and its executive policy settled, no information of its existence or plans is intended for the public. The proprietors rely upon the courtesy of those to whom these copies are intrusted, and of those under whose eyes they may fall, to observe the confidence implied in the premises.

PROSPECTUS OF THE PERUVIAN COMPANY.

I.—HISTORICAL SKETCH.

In the year 1833, the Government of Peru, by published decree promised to every discoverer of valuable deposits upon the public domain a premium of one-third of the discovery; this as an incentive to the development of great natural resources vaguely known to exist. The condition of the Peruvian people at this time has been well described by an American capitalist, for more than thirty years resident at Lima, and familiar by personal exploration with the entire country:

"The exhausted condition in which the young republic was left, after the agitated era of emancipation and the civil contentions which followed, brought about a period of inanition which had its crowning point in the general belief that now that the Peruvian people were their own masters, they had nothing to do but enjoy their so-called liberty. Commercial pursuits they left to foreigners; mining and agricultural industry was scarcely thought of; invitations were made to the world at large to come and partake of the wealth which the former offered to the enterprising capitalist, and the latter was consigned almost exclusively to the forced labor of the slave population; both being attended by too great trouble on the part of their natural owners, to care minding about; and an extraordinary stress was laid on the development of the resources of the country by foreigners, which would enable the natives to live at ease without the obligation of putting their hand to work so far inferior to their habits.

"For the first sixteen years this indolent system was indulged in, mingled occasionally with scenes of bloodshed and civil war, in order to acquire a mastery over the expiring elements of former greatness, the only step made toward opening up the resources of the country being confined to the establishment about the year 1830, of the nitrate industry in the province of Tarapaca."

II.—THE DISCOVERER OF GUANO.

The narrative from which we have just quoted continues:

"In the beginning of the year 1830, Alexandre Cochet, a Frenchman, a chemist, and a man of superior information, occupied himself in the laborious work of manufacturing nitrate of soda in a small *oficina* in the above-named province; and being a man of quick intelligence, and a careful observer, he soon came to understand that the valuable properties contained in the guano—an article only known to the native cultivators of the soil—would be eminently useful as a restorative to the exhausted lands of the old continent. With this idea, he made himself completely master of the mode of application adopted by the Indians and small farmers in the province where he resided; and after a careful investigation of the chemical effects produced on the land by the proper application of this regenerating agent he proceeded in the year 1840 to the capital (Lima) in order to interest some of his friends in this new enterprise.

"Not without great persuasion and much hesitation, he induced his countryman, Mr. Achilles Allier, to take up the hazardous speculation and join with him in his discovery. He succeeded, however, and toward the end of the same year (1840) the firm of Quiroz & Allier obtained a concession for six years from the Government of Peru, for the exportation of all the guano existing on the afterward famous islands of Chinchi, for the sum of sixty thousand dollars.

"In consequence of the refusal of that firm to admit Cochet, the discoverer, to a participation in the profits growing out of this contract, a series of lawsuits resulted, and a paper war ensued in which Cochet was baffled. In vain he called the attention of the government to the nature and value of this discovery; he was told that he was a 'visionary.' In vain he demonstrated that the nation possessed hundreds of millions of dollars in the guano deposits; this only confirmed the opinion of the council of state that he was a madman. In vain he attempted to prove that one cargo of guano was equal to fourteen cargoes of grain; the council of State coolly told him that the guano was an article known to the Spaniards, and of no value; that Commissioner Humbolt had referred to it, and that they could not accept his theory respecting its superior properties, its value, and its probable use in foreign agriculture at a period when no new discovery could be made relative to an article so long and of so evident small value.

"Thus the Peruvian Government, instead of accepting Cochet's calculations actually prolonged the term of the concession given to Quiroz & Allier from that of six years to a period of nine, and even discussed the question of whether they should dispose of the guano at all for foreign consumption, instead of retaining it for the exclusive use of the national agriculture, regarding with perfect indifference the estimated value of the article, represented by Cochet in hundreds of millions of dollars.

"At length a new light began to drawn on the lethargic understanding of the officials in power; and as rumors continued to arrive from Europe confirming the asseverations of Cochet, and announcing the sale of guano at from ninety to a hundred and twenty dollars per ton, a degree of haste was suddenly evinced to secure once more for the public treasury this new and unexampled source of wealth. Proceedings were adopted to annul the concession given to Quiroz & Allier, and at one blow the contract with them was reduced to one year.

"The litigious spirit was again revived, and these men, who were the first to open up the guano enterprise, and who had counted upon the possession of untold millions, were summarily ejected from the deposits, and their claims canceled by the payment of ten thousand tons of guano which Congress decreed them.

"There still remained to be settled the just and acknowledged indebtedness for benefits conferred on the country by Cochet, benefits which could not be denied, as wealth and prosperity rolled in on the government and on the people; but few, if any, troubled themselves about the question, to whom they were indebted for so much good fortune, nor had time to pay particular attention to Cochet's claims.

"As in all great controversies, and in order to debate as much as possible the value of the Quiroz claims, expediency compelled the Peruvian Congress to play off the exalted pretensions of the one against the modest assertion of the other. Congress, therefore, arrived at the conclus on that if Quiroz & Allier were the first to introduce guano into Europe, as an article of commerce, they were only induced to do so by Cochet's disclosure to them of the great value of its chief element—ammonia; a secret of which he alone was the original discoverer; and this suggestion was amply confirmed by the fact that Quiroz & Allier offered it in the European markets as crude ammonia only.

"But as Cochet continued to descant on its value as a wonderful fertilizer, the subject at length engaged the attention of the heads of the mercantile houses established in Lima, and very soon competitors were found to undertake the consignment and sale of the article in England, with the offer of liberal loans to government on condition of securing the consignment. Thus, almost involuntarily, Congress was led to declare Cochet the true discoverer of the value, uses, and application of guano for European agriculture, and a grant of five thousand tons was made in his favor, September 30th, 1849, but was never paid him.

"After passing a period of years in hopeless expectancy, from 1840 to 1851, his impoverished circumstances made it necessary for him to endeavor to procure, through the influence of his own government, that measure of support in favor of his claims which would insure him a competency for his old age.

"He resolved on returning to France, after having spent the best part of his life in the service of a country whose cities had risen from desolation to splendor under the sole magic of his touch; a touch that had in it for Peru all the fabled power of the long-sought 'philosopher's stone.'"

It was this discoverer of guano who also first took quinine from Peruvian bark, and who was among the first to develop the exhaustless wealth of the great nitrate beds. For the discovery of quinine the Government of Bolivia gave him a voluntary testimo-

nial of $10,000; for revealing to Peru $1,500,000,000 worth of guano the large-promising Peruvians have not yet found it convenient to pay to him or to his heirs a single dollar.

In 1853 Cochet returned to France; but he was then already exhausted by enthusiastic explorations in a deadly climate, and never rallied. He lingered in poverty and obscurity for eleven painful years, and died in Paris in an almshouse in 1864, entitled to an estate worth $500,000,000—the richest man in the history of the world—and was buried by the city in the potter's field; his wonderful history well illustrating afresh the fact that truth indeed is stranger than any fiction. The fancies of the Arabian Nights dale before the text of this plain biography.

III.—A SECOND DICOVERER.

About the year 1844, Jean Théophile Landreau, also a French citizen, in partnership with his brother John C. Landreau, a naturalized American citizen, upon the faith of the promised premium of 33⅓ per cent. entered upon a series of extended, systematic, and scientific explorations with a view of ascertaining whether the deposits of guano particularly pointed out by Cochet constituted the entire guano deposits of Peru, and with money furnished by his partner John, Théophile prosecuted his researches with remarkable energy, and with great success, for twelve years, identifying beds not before known to the value of not less than $400,000,000. Well aware, however, of the manner in which his fellow-countryman had been neglected by an unprincipled people, he had the discretion to keep his own counsel, and to extort from the Peruvian authorities an absolute agreement in advance, before he revealed his treasure. This agreement was, indeed, for a royalty of less than one-sixth the amount promised, but the most solemn assurances were given that the lessened amount would be promptly and cheerfully paid; its total would give the brothers each a large fortune, and payments were to begin at once.

The solemn agreement having been concluded and duly certified, the precious deposits having been pointed out and taken possession of by the profligate government, the brothers were at first put off with plausible pretexts of delay, and when these grew monotonous, the government calmly issued a decree recognizing the discoveries, *accepting the treasure*, and annulling the contract, with a suggestion that a more suitable agreement might be arranged in the future.

An eye-witness writes:

"The now recorded history of Cochet has been repeated, after fifteen years, in the person of Mr. Landreau, to whom the Central and Southern American republics owe something for his interesting information regarding their productions and on the canal question. Landreau has also explored Peru, and has there followed up with success that which was initiated by Cochet. He has pointed out to the Peruvian Government the numerous deposits of huano discovered by him, making an aggregate of value only to be compared with that once contained in the Chincha Islands; by this means he furnished the government with substantial material, which enabled it to raise its sinking credit and realize the financial transactions of 1870, through the contract Dreyffus, and the stupendous loans for the construction of railways. But for these signal benefits, Landreau has, as yet, not received one single cent, notwithstanding the issue of a decree recognizing in his favor six per cent. of the estimated value of his discoveries. It is easy to see that the same recognitions, and the same promises, and those pompous offers made toward Cochet have been lavishly bestowed upon Landreau, to end, probably, in a similar way, even with all his rights and titles and contracts, upon which he grounded his hopes of recompense.

"The following is a summary of his case:

"In the year 1856 Landreau revealed to the Peruvian Government the fact that he had made fresh huano discoveries. Shortly after this a conspiracy was got up against him, he was incarcerated, and his papers instantaneously disappeared from the ministerial chambers. Landreau, nothing daunted, renewed his documentary titles of 1856 in 1859, and was so far fortunate as to secure in November of 1865 an official recognition of the premium of six per cent. on the value of his deposits, by decree and public contract made in his favor, thus baffling all the hostilities raised against him, even on the part of the French legation.

"In the year 1868 the government published a list of all the deposits of huano discovered by him; and by so doing, confidence was restored, the Dreyffus contract was entered into, and loans to the amount of two hundred million of dollars were obtained.

"He could render them no further service to the government, and steps were taken to annul his contract and rid the nation of an importunate creditor. He was waylaid by President Pardo's secret police at the entrance of his house on the night of the 20th February, 1874, maltreated, stabbed, and left for dead. Since that date he has been an invalid; and, last of all, the supreme court of the country has de-

clared itself *incompetent* to hear or decide his case against the government. This action, if undertaken by their judges in their superior wisdom, would have told more against them than their places on the bench are worth.

"After twenty-three years of patient labor, of listening to inexhaustible propositions, and of vain attempts at a settlement, Landreau has succeeded in tiring out the patience of this government and the courts, who have cast him off with the pleasant decree that he may look for justice in the manner and form in which it may seem most convenient for him. Such is the way they manage these small things in Peru."

The complacency with which the Peruvian judiciary evade an uncomfortable issue, and relieve themselves of a too successful plaintiff will appear best from the official records.

The contract grudgingly made with Landreau to secure his secret contained a clause confining him for all purposes of redress to the Peruvian courts. With this limitation in mind, the professional reader will not fail to enjoy the brief of plaintiff's attorney, and the opinions at *nisi prius*, general term, and the court of last resort, with the comment of eminent local counsel appended:

Transcripts from the official records in the appeal of Jean Théophile Landreau, partner of John C. Landreau, to the Tribunal Responsibilidad of Peru.

"Manuel Aribe, in the name of Jean Théophile Landreau, appearing before your excellency. with due respect has to state, that conformably with the certified copy of the document which I herewith accompany, it will be seen that on the 2d of November, 1865, the supreme decree of the 24th of October of the same year was duly constituted in an authentic public instrument, by which the supreme government accepted the denunciation which Mr. Landreau made some years before of various deposits of huano, both existing on islands and on the mainland, containing more than five millions of tons. In this decree the conditions of the acceptance of said denunciation were fixed, and these are contained in the six clauses comprehended in said decree, the same being also accepted by the grantee expressly, as was required of him by the sixth clause of the decree, by which means the contract, being then concluded, was transcribed in the legal form of a public authentic document, before Don Claudio José Suarez, notary public. As your excellency will observe, by the first clause, my constituent assumed the obligation to make known to the supreme government and present a list of the deposits of huano he had denounced, delivering up a similar list with that already deposited in the English, French, and United States legations.

"These deposits were not known in Peru as deposits of huano, and this is manifest from the fact that in the course of the examination of the papers an official order was issued to consign in them a list *of all the known deposits of huano* up to that date, which was done at the request of my constituent in order to avoid future questions.

"Your excellency will also observe that by the 2d clause the premium to be awarded him was as follows: 10 per cent. upon the net product of huano, if this did not exceed a million of tons; 8 per cent. upon that which exceeded one million and did not reach two millions; 4 per cent. upon what exceeded three and did not reach four millions, and 2 per cent. upon all that exceeded four and did not reach five millions, and any quantity in excess of this latter to bear no premium whatever. Hence arises the right of my constituent to 10 per cent. of the net product on the number of tons of huano extracted and sold from the denounced deposits comprehended in the list delivered, and which the supreme government caused to be published in the official journal of the capital. (Peruano 31 dicr. 1868.)

"Your excellency will also observe that by the 3d clause my constituent was obliged to limit proceedings relative to the fulfillment of his contract to the action of the tribunal of Peru; for which reason he comes now before your excellency's court as being the judicial authority constituted to pronounce judgment on the contract celebrated with the supreme government, according to the fourth section of the 18th article of the Tribunal Regulations.

"Your excellency will further observe that by the 4th clause it is prohibited on the part of my constituent or his representatives to interfere directly or indirectly in the contracts of consignment or others which the supreme government may celebrate regarding huano from the said deposits, it being established that his right is limited to demand the part which, according to the respective accounts, appertains to him according to the percentage already indicated.

"In the 5th clause it is stipulated that the working of the deposits rests at the will of the supreme government, and in the 6th and last clause that if it can be clearly proved that there existed in the government or in any other authority any official or private information regarding the deposits thus denounced, that this concession would lose its effect.

"There is not the least doubt therefrom, that my constituent has a perfect right to demand the 10 per cent. of the net product of the deposits he has denounced, and which

are consigned in the lists presented to the minister of finance and accepted by the supreme government, ordered to be published, and were published in the Peruano of the 31st of December, 1868, and that the account of sales of huano will serve to ascertain the selling prices agreeably to the stipulation contained in the 4th clause of said contract.

"Well, then, as my constituent desired to avoid any questions whatever, he applied to the supreme government for the exhibition of the account of sales of the huano taken from the deposits of Ballestas and Chanavaya; and as he has been unable to obtain any answer to his representations, he is under the hard but indispensable necessity of appearing before your excellency's court in order to require delivery of such accounts, so as to be able to exact the payment of the 10 per cent. on the net price of huano sold, as he is entitled to upon the first million of tons.

"Since July, of 1870, I have to state, as I am so instructed latterly, that the Islands of Ballestas have been worked, and, as appears from the publication of the Patria newspaper of 20th of October, 1874, that 57 cargoes have been shipped to foreign countries from these islands—57 cargoes with 76,771 tons of huano. Besides this quantity, and according to the official journal El Peruano of the 23d July, 1870, there have been taken from the Ballestas 125,000 tons of huano for the purposes of the national agriculture. Ballestas is one of the deposits denounced by my principal, and is included in his list under the number 15. From Chanavaya there has been taken 137,000 tons of huano, as appears from the reports before the central junta of engineers of this capital, and Chanavaya is included in his list under number 33. I understand also that there are other deposits working which were denounced by my principal. It being a right, according to my principal, to take 10 per cent. of the net proceeds of the huano sold, it appears evident that his action is open to solicit the exhibition or presentation of said account sales on the part of the supreme government, in order that he may make the demand for his 10 per cent. To this end I implore your excellency to admit the certified copy of the power of attorney conferred on me as well as that of the contract made between the supreme government and my constituent, and judging of its merits, especially those of the 4th clause, as well as from the argument adduced, your excellency will order a missible to be passed to the supreme government to the effect that the accounts of sales of huano taken from the deposits called the Ballestas and Chanavaya be remitted, as well as of that taken from the other deposits denounced by my principal, which have been worked. I ask justice.

"MANUEL ARIBE.

"LIMA, 21*st June*, 1875.

"NOTE.—The missible above referred to was passed to the supreme government, was replied to, and all the documents were remitted to the supreme court, admitting and submitting to its jurisdiction.

"*Sentence of the first hall judging in the first instance.*

"LIMA, 19*th February*, 1876.

"With the opinion of the attorney-general, and seeing that the petition of the procurator of Mr. Jean Théophile Landreau is not comprised in any of the cases designated in the 18th article of the Regulations of the Tribunals, which treat of the special jurisdiction of this supreme court, *it is declared out of place* what has been solicited in this petition; allowing the petitioner to make use of his right how and where he may see it convenient. Sign manual of the three judges, Cossio, Arenas, Cisneros. Lauer, secretary.

"*Sentence of the second hall judging in appellation.*

"LIMA, *May* 23, 1876.

"In view of the process and previous sentence, and taking into consideration that this court ought to abstain from interfering in causes in which it is not competent to judge, and that by the 18th article of the Regulations of the Tribunals (clause 4th) it only can take cognizance of the law pleas which arise out of contracts celebrated by the supreme government, that is to say, as to the interpretation, validity, or nullity of such, to which class that preferred by Jean Théophile Landreau does not correspond, the court confirms the sentence appealed *by which this court declares itself incompetent*, leaving Landreau his right perfectly free to use it where and how he may see it convenient. They return the process. Signed by Judges Alvarez, Munoz, Vidaurre, and Oviedo.

"*Sentence of the tribunal of responsibility judging in the last instance.*

"THE ATTORNEY-GENERAL'S REPORT.

"The attorney-general of this high tribunal says that the minister of finances in his exposition at page 233 (anterior process) admits the existence of a contract made, and

of a premium agreed to on the part of the supreme government in favor of Mr. Jean Théophile Landreau, indicating at the same time 'that the petition presented by him before the supreme court relative to delivery of accounts, or exhibition of documents, is premature, because other persons dispute this premium, and it is necessary for the government to know who is the person entitled to claim it with a legitimate right.'

"In view of this statement the attorney-general believes that the supreme court ought to decide in this case, whether the petition of Landreau is a legal one or not, treating the question as an incident relative to the contract, and mentioned at page 233, and to which the 4th clause of the 18th article of the Regulations of the Tribunals is applicable, and opines that the supreme sentence registered at page 228 and page 233 of the anterior process is null.

"HEROS.

"LIMA, *September* 17, 1878.

"SENTENCE.

"With the report of the attorney-general, they declare there is no nullity in the sentences of the supreme court under date of 23d of May, 1876. Confirmatory of that of 19th of February of the same year, in which it is declared to be out of place, the request of Mr. Jean Theophile Landreau in his petition at page 220, and they return the process. Signed, Garcia & Garcia, Pino, Lizarraga, Velarde, Gomez, Sanchoz, Benavidez, Jugunza, Manuel Pation, secretary.

"CONSULTATION OF FOUR JURISCONSULTS.

"Doctors Man'l W. Chipote, M. Arnezaga, Cecilio Corzo, and S. Caceres, state the following in their consultations:

"1st. That conformably with the 4th clause of the 18th article of the regulations of the Tribunals, the supreme court is the only competent tribunal to judge of the disputes which result from contracts made between the government and individuals.

"2d. That being their duty to pronounce judgment on the incidents which rise out of the law pleas and contracts, the supreme court as well as the tribunal of responsibility have committed a grave denial of justice against Landreau declaring themselves incompetent the first and confirming the second, this sentence respecting Landreau's petition in which he asked for the delivery or exhibition of accounts according to the law of the country.

"3d. That the denial of justice appears much more flagrant, inasmuch as the supreme court and the tribunal of responsibilities have delayed their sentence for three years and four months, when the law only allows them a term of forty days to pronounce sentence in the last instance.

"(Article 1748, Civil Code)."

The results of this litigation had the effect of canceling the restriction in the original contract, the courts concurring in "allowing the petitioner to make use of his right how and when he may see it convenient."

He "saw it convenient" next to invoke the aid of his own government—France—but influences which it is unnecessary to define here easily thwarted his application in that quarter.

After that, application was made to the United States legation, and ultimately to Congress, and the history of these negotiations will sufficiently appear from the official documents next following:

I.

[Forty-fifth Congress, third session. House of Representatives, Ex. Doc. No. 35.]

CLAIM OF JOHN C. LANDREAU.

Message from the President of the United States transmitting a communication from the Secretary of State in reference to the claim of John C. Landreau against the Government of Peru.

JANUARY 24, 1879.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th instant, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

WASHINGTON, *January* 24, 1879.

DEPARTMENT OF STATE, *Washington, January* 23, 1879.

To the President:

The Secretary of State, to whom was referred the resolution of the House of Representatives, of the 7th instant, requesting the President, if not incompatible with the public interest, to furnish to that House "an abstract of such correspondence and other papers as may be on file in the State Department touching the claim of John C. Landreau against the Government of Peru," has the honor to submit the following report and accompanying papers in answer to the resolution.

This claim originates in alleged extensive discoveries of guano deposits, in localities previously unknown or unworked, made within Peruvian jurisdiction between the years 1844 and 1856, by Jean Théophile Landreau, then and still a French subject. Under the compendium of old Spanish law, known as the "Nueva Recopilacion," which forms the basis of the legislation of Peru, and under specific enactments to that end, it is claimed that the discovery of property belonging to the state is to be rewarded by the payment of one-third of its value to the finder. In 1856 Jean Théophile Landreau, having previously associated with himself in the enterprise his brother, John C. Landreau, an undoubted citizen of the United States, made known his discoveries to the Peruvian Government, and solicited the recompense alleged to be due therefor. Since that time the claim has been pressed with varying fortunes. Successive administrations of Peru have, by correspondence, contract, and decree, recognized from time to time the justice of the claim, in principle, and offered compensation in the form of graduated percentages on the amount of guano actually extracted from the discovered deposits, but the offers have as frequently been postponed or rescinded, and up to the present time Jean Théophile Landreau has received from the Government of Peru no compensation whatever.

The American citizenship of one of the brothers brought the claim at an early stage before this government, which, after a time, recognized the justice of the claim of John C. Landreau to a share in the profits of his brother's enterprise, and instructed the minister of the United States at Lima to use his good offices unofficially in his behalf. The correspondence and papers in the case which have accumulated in the Department during the last fifteen years or more, amount to some hundreds of documents, many of them of considerable length, but which are, for the most part, immaterial as elements of the "abstract" called for by the resolution. Most of the points of interest in determining the American citizenship of John C. Landreau, and his right to participate in the recompense claimed by his brother, are contained in an opinion, submitted on the 16th of June, 1874, to the then Secretary of State, Mr. Fish, by the examiner of claims of the Department of State, Henry O'Connor, esq. A copy of the material part of that opinion is herewith transmitted as coming within the purview of the resolution. A copy of the instruction addressed by the Department, on the 25th of July, 1881, to the United States minister at Lima, Mr. Francis Thomas, in which he was, pursuant to the opinion of the examiner of claims, instructed to use his good offices in the adjustment of the claim, is also transmitted.

At the time of Mr. O'Connor's opinion, the French Government had but imperfectly supported the claims of its own citizen, Jean Théophile Landreau, owing, it is represented, to the unfavorable influence exerted by its representatives in Peru. It is now understood that that government is disposed to take action on the claim, as will appear from a report of Mr. Gibbs, the present minister of the United States at Lima, dated June 20th, 1877, giving a succinct abstract of the history of the case as shown by the files of his legation, and its situation at the time, which report is also appended in compliance with the resolution. The present status of the claim is believed to be practically unchanged, except so far as it may be strengthened by the presentation of additional proof of the joint interest of John C. Landreau in his brother's scheme.

All of which is respectfully submitted,

WM. M. EVARTS.

List of papers.

1. Opinion of the examiner of claims. June 16th, 1874. [Extract.]
2. Mr. Fish to Mr. Thomas. No. 92. July 25th, 1874.
3. Mr. Gibbs to Mr. Evarts. No. 169. Lima, June 20th, 1877.

No. 1.

BUREAU OF CLAIMS, *June* 16, 1874.

SUBJECT.—Claim of the brothers J. Théophile Landreau and John C. Landreau, against the Government of Peru, on account of guano discoveries made by Landreau (J. T.), in accordance with a public authorization of the government.

* * * * * * *

The Landreaus were both originally French citizens. J. Théophile Landreau, who is the active man in these Peruvian transactions, the man who made the alleged discoveries, and who dealt directly with the Peruvian authorities, is still a French citizen, never having changed his nationality. John C., his brother, an alleged partner in the Peruvian transactions, is a citizen of the United States. His certificate of naturalization, a copy of which is submitted with the papers now before me, shows that he came to the United States in 1857, being then a minor under the age of 18 years; that he was admitted to citizenship in the sixth district court of Louisiana, at New Orleans, on the 3d of June, 1867; and it further appears that he has been a resident of Hermitage, Louisiana, ever since 1857.

As it is only in virtue of this citizenship of John C. Landreau that the aid of this government may be invoked in behalf of the claim, the first important question to be established is that of John C.'s interest in the transaction, and, assuming that he has such interest, at what date he acquired it.

Upon this question Mr. Brent had submitted no papers. Among the inclosures to Mr. Thomas's present dispatch is a copy of a correspondence between the brothers Landreau, running from December, 1858, to February, 1870 (Inclosure B). The partnership of John C. with his brother Théophile in the Peruvian business forms the topic of all these letters, sixteen in number.

In letter No. 1, December 22d, 1858, Théophile advises John of his success in making rich discoveries of guano in that country, all of which he says belongs to Peru.

In No. 2, dated July 15th, 1859, Théophile says:

"For my part, I accept you as my partner in this business, as well as the advice you give regarding it, and at the same time wait with great impatience the receipt of the five thousand dollars which you say shall be sent to me."

In No. 3, January 2d, 1860, Théophile acknowledged receipt of John's letter of the 15th of October previous, handed to him by a Mr. Charles Johnson, together with a package containing 125 double American gold eagles, of $20 each, and 250 gold American eagles of $10 each, in all $6,250.

In No. 4, March 1, 1860, Théophile writing to John, refers to the opinion of a high Peruvian authority that for the discoveries made by Landreau the government ought justly to pay them a royalty of 33 per cent.

These letters, which number sixteen in all, continue on the same subject, giving a detailed account of the discoveries made, and also of the efforts to have the claim recognized and adjusted by the Peruvian Government.

These letters were not among the papers inclosed by Mr. Brent. They were evidently not taken into consideratson by him in making up his opinion on the merits of the claim. The evidence furnished by the letters in question tends to establish two material facts:

1st. That John C. Landreau had an interest in the discoveries; and,

2d. That such interest existed long anterior to the date of the concession made by the government in November, 1865.

That these two propositions were not established by proof was one of the reasons assigned by Mr. Brent for pronouncing against the claim.

3d. The most material question to be considered is the nature of the obligation of the Peruvian Government to the parties making the discoveries. It cannot, in my opinion, be viewed in the nature of a private contract. It is deducible from the public acts of Peru. Among the inclosures to this dispatch (Thomas, 61) are copies of several decrees on the subject.

No. 1, dated April 17th, 1847, reciting several laws of the republic and the further fact that many natural productions exist, etc., which do not produce any benefit to the treasury, it is enjoined upon the attorneys of the government to give notice to the discoverers, giving to them one-third part of the value of such discoveries.

No. 2, dated December 30th, 1859, is an extract from the opinion of the attorney-general, advising the minister of the treasury that he can accept the discoveries of Landreau, giving to him one-third part of the value of guano discovered, according to what is ordered in paragraph 6 of the vote of the Congress of the government, 13th February, 1833.

No. 3, October 24th, 1865, authorizes a contract with Landreau, and fixes the terms: 10 per cent. on the first million tons; 8 per cent. on the second million; 6 per cent. on the third million; 4 per cent. on the fourth million, and 2 per cent. on the fifth million; all above five millions belongs to the government, free of royalty. Neither Landreau nor any person can commence any legal proceedings before any other tribunals or authorities than those of the republic, and according to the laws of the country, renouncing expressly all diplomatic intervention.

Next follows a schedule of the discoveries made by Landreau. They appear to be extensive and of great value.

No. 5, December 12th, 1868, is a decree declaring the contract with Landreau null and void, alleging as a reason that the premium stipulated to be given him by the gov-

ernment is of such great amount that it can never be paid, and providing for a commissioner to examine the quality of the deposits, etc., with a view to a new contract.

The above comprises all the new facts furnished by Mr. Thomas which can be deemed material. The remaining inclosures relate to the personal issue with Brent.

Conclusion. It appears to be established :

1st. That Landreau made extensive discoveries of guano; that they were of great value, and that the benefits inured to the Government of Peru.

2d. That the explorations were undertaken by him on the faith of the decrees of the government, holding out the promise of a royalty of 33 per cent. to discoverers; expressly declaring that it was open to foreigners and citizens of the republic alike.

3d. That the discoveries made by Landreau were the result of great labor, research, and skill on his part, continued through several years.

4th. That large sums of money were expended by the Landreaus in making these discoveries, and that much of this money was furnished by John C. Landreau, a citizen of the United States, and that the money was transmitted by the latter from the United States to his brother in Peru.

5th. That the action of the Peruvian Government, as evinced by its decree of the 12th of December, 1868, declaring the previous concessions to Landreau null and void, is in effect a denial of justice and a violation of the terms of the concession.

In view of the foregoing premises, I am of the opinion that John C. Landreau should have an opportunity of asserting his claim before the tribunals of Peru, according to the terms of the decree of the 24th of October, 1865. As this remedy, however, seems to be foreclosed to him by the subsequent decree of the 12th of December, 1868, justice and equity alike demand that the Peruvian Government should agree to have the question submitted to some other tribunal, that its merits may be fully and fairly investigated, and the rights of the claimants determined, without any expression of opinion by the Department on the merits of the claim itself. It appears to me that the circumstances of the case justify its interposition on Mr. John C. Landreau's behalf, to the extent of demanding such an investigation. A reference to arbitration might be the best mode of securing an impartial hearing to both parties.

Respectfully submitted.

HENRY O'CONNOR.

No. 2.

Mr. Fish to Mr. Thomas.

No. 92.] DEPARTMENT OF STATE,
Washington, July 25, 1874.

SIR: Referring to your dispatch No. 61, of the 16th of July, 1873, and the Department's instruction No. 37, of the 18th of March previous, in relation to the claim of Mr. J. C. Landreau against the Government of Peru, I have now to inform you that in a letter recently received from Mr. Landreau, that gentleman again invokes the interposition of this government, with a view of securing for him a recognition and settlement of his claim by the Government of Peru.

You are already in possession of the facts in relation to this claim, and the documents and proofs presented by Mr. Landreau in support of it are accessible to you from the files of your legation. The claim in question being one growing out of a contract which appears to have been voluntarily entered into by Mr. Landreau's brother with the Peruvian Government, belongs to that class of claims regarding the settlement of which it is the settled practice of this government not to interfere beyond the exercise of its good offices; and even this latter action is confined to cases in which some special features of an equitable character are found to exist. Upon a recent examination of this case by the Department it has reached the conclusion that the claim of Mr. Landreau is entitled to some consideration on these grounds. You are consequently authorized to make use of your good offices, unofficially, with the Peruvian authorities in behalf of Mr. J. C. Landreau, with a view of securing for him from that government a speedy investigation and adjustment of his claim. It is also desired that you will keep the Department advised of your action in relation to the matter, and of any results that may accrue therefrom.

I am, sir, your obedient servant,

HAMILTON FISH.

FRANCIS THOMAS, Esq., etc.

No. 3.

Mr. Gibbs to Mr. Evarts.

No. 169.] LEGATION OF THE UNITED STATES,
Lima, Peru, June 20, 1877.

SIR: In answer to your dispatch, No. 62, of the 15th ultimo, referring to the Landreau claim, I have examined all the correspondence that I can find in the archives of

this legation in relation to the affair, and will give you a sketch of it, so that you may judge how the case stands at present.

I find Mr. Fish wrote to Mr. Brent, the then chargé d'affaires at this legation, March 9, 1871, No. 15, inclosing a copy of a letter from J. C. Landreau, at Louisiana, dated February 23, 1871, directed to the Department, complaining of contract which he alleges that the Peruvian Government had made with him.

On the 1st of May, 1871, Mr. Brent answers in dispatch No. 256, in which he gives his ideas relative to the claim, doubting the right of the United States to use its influence in the affair. The principal reason is, in the primary agreement with Landreau, the government stipulates that no diplomatic intervention shall take place.

June 23, 1871, No. 79. Mr. Fish writes Mr. Little, then minister, saying that Mr. Brent's conclusions were approved.

January 11, 1872, No. 25. Mr. Fish writes Mr. Brent, informing him that Mr. J. C. Landreau, under date of 28th of November, 1871, from Louisiana, had written to the Department, making grave charges relative to his alleged conduct in the connection with this claim. The charges were in a letter inclosed with the dispatch, which also inclosed a copy of a letter from Mr. Brent dated at Lima, January 13, 1871, to Mr. J. Théophile Landreau, speaking favorably of the claim, and urging Mr. Landreau to return to Washington to lay the case before Mr. Fish.

February 20, 1872, No. 27. Mr. Brent to Mr. Fish, in answer to No. 25, of January 11, with explanations and denial of the charges, and also referring to various documents of which no copies exist in this legation.

April 2, 1872, No, 34. Mr. Brent informs Mr. Fish that the French Government had ordered its minister to hold no further communication with Mr. J. Théophile Landreau.

May 1, 1872, No. 31. Mr. Fish to Mr. Brent, answering No. 27, and requesting that Mr. Brent would not take any further steps in the matter.

October 28, 1872, Mr. Thomas, my predecessor, wrote to Mr. Landreau to call at the legation, as he was prepared to assist him to investigate the claim.

July 11, 1873, No. 61. A lengthy communication dated at Cumberland, Maryland, from Mr. Thomas to Mr. Fish, with a detailed account of the Landreau claim, referring to various inclosures.

May 28, 1874, No. 75. Mr. Thomas to the minister of foreign affairs. This is the first document I find where the United States take any part in the claim with the Peruvian Government. Mr. Thomas states that, at the request of Mr. Landreau, he incloses from Mr. Landreau to the minister of the treasury protesting against a decree referred to of April 21, 1874, published in the official paper about the guano deposits. Mr. Thomas states that he makes the communication to protect the interests of J. C. Landreau, an American citizen, brother of J. Théophile Landreau, the discoverer of the guano, and who had purchased in 1859 a half interest in the discoveries. Mr. Landreau, in his letter to the minister of the treasury, in his own name and of his brother, protests against the decree of April 21, and shows that the discoveries referred to were made by him, and mentioned in his lists sent in to the government in 1856 and 1859, the 2d of November, 1865, and in 1868, which were accepted by the government, December 12th of that year, as published in a supreme decree, on the 31st December, in the official paper of Lima.

May 29, 1874, No. 15. The minister of foreign affairs acknowledges the receipt of this note.

July 28, 1874, No. 92. Mr. Fish to Mr. Thomas, referring to dispatch from Mr. Thomas of July 16, 1873, says that it is one of the class of claims of which it is the settled practice of the United States Government not to interfere beyond the exercise of its good offices; but on examination the Department has reached the conclusion that the claim of Landreau is entitled to some consideration, and therefore Mr. Thomas is authorized to make use of his good offices unofficially with the Peruvian authorities on behalf of Landreau to secure a speedy invesgation and adjustment of the claim, also to keep the Department advised.

August 5, 1874. Mr. Thomas to the minister of foreign affairs, No. 87, inclosing a protest of Landreau to the minister of the treasury, that in so doing, Mr. Thomas states that he is not acting under instructions from his government, nor prepared to make a demand for the claim.

August 8, 1874, No. 121. Mr. Thomas to Mr. Fish, referring to note of 28th May to minister of foreign affairs, inclosing copy of paper filed by Landreau, showing geographical position of deposits.

September 3, 1874, No. 33. The minister of foreign affairs answers Mr. Thomas note of August 5, with Landreau's protest, taking note of the disclaimer made by Mr. Thomas of not proceeding in the name of the United States Government to prefer a claim.

September 8, 1874. Mr. Thomas to the minister of foreign affairs, claiming some sixteen letters in power of a Mr. Deboy. These letters are in the French language, addressed by Mr. J. Théophile Landreau to J. C. Landreau, the American citizen, and are evidence of his claim against his brother, or of the assistance given by him to his

brother to enable him to make the discoveries of the guano-beds. Mr. Thomas claims them so as to be able to file them in this legation in proof of Mr. J. C. Landreau's right.

September 18, No. 36 The minister of foreign affairs to Mr. Thomas, acknowledging the receipt of note of September 8, and promising to notify the minister of justice of the claim.

October 13, No. 183. Mr. Thomas to Mr. Fish, inclosing copies of six letters and translations in support of Mr. Landreau's claim.

Mr. Fish to Mr. Thomas, No. 108, November 5, acknowleding receipt of No. 133, of October 13, remarks on the character of the claim, it being merely an implied contract, and that the Department did not regard such questions as of an international character, and informing Mr. Thomas that his course must be limited to unofficial good offices.

Mr. Thomas writes February 2, 1875, No. 155, informing the Department that he had received the sixteen letters that establish the right of J. C. Landreau to one-half of the profits of the guano claim.

March 12, 1875, No. 112. Mr. Thomas incloses to the minister of foreign affairs copies of the letters referred to above, stating that they are relied upon by Mr. J. C. Landreau, as proof of the right of Mr. J. C. Landreau, an American citizen, to the claim against the Peruvian Government.

May 28, No. 2. Mr. Fish, in his instructions to me on my departure from the United States to this post, says that I can proceed unofficially to use my good offices on the claim.

September 4, 1875, No. 24.—I informed the Department that I had called on the lately-appointed French minister relative to the claim. He informed me that he had instructions from his government to investigate the affair, and had received a history of the claim from Landreau which he had forwarded to his government.

This is the history of the case as it stands in the archives of this legation.

Mr. J. C. Landreau is in Paris prosecuting his claim before the French Government. The case is now before the final court here, "responsibilidad," equal to "cassation" in France, which meets seldom.

I called on the French chargé d'affaires to-day in reference to the matter. He informed me that the Duc Decazes, minister of foreign affairs in France, had written asking for the decrees given in the lower courts in 1876. This was answered January, 20, 1877. Since then nothing further had been heard from the minister. He also stated that he had written to the department of foreign affairs that he had consulted Mr. Jaquet, the attorney of Landreau, to compromise with the Peruvian Government by taking a certain sum for the claim, and that he believed it would have effect. He informed me that he understood that negotiations were under way to that end.

From my dispatch on the financial affairs of this country you may judge of the ability or probability of Peru ever being able to pay the claim, even if made good.

I am., &c.,

RICHARD GIBBS.

IV.—REPORT OF THE COMMITTEE ON FOREIGN AFFAIRS.

The Committee on Foreign Affairs, to whom was referred the petition of John C. Landreau, a naturalized citizen of the United States, who seeks the aid of the Government of the United States in furtherance of his claim against the Government of Peru, having had the same under consideration, submit the following report:

The claim of the petitioner, John C. Landreau, is set forth in his petition to Congress, and is as follows:

No. 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, John C. Landreau, respectfully represents:

That he is a naturalized citizen of the United States, and has resided in the State of Louisiana since the year 1857; that his brother, J. Théophile Landreau, is a citizen of France; that your petitioner and his said brother are creditors of the Government of Peru in the amount hereinafter stated; that the said amount is due to them as copartners; that their claim is founded upon and grows out of a published decree and proclamation of the said Government of Peru; that their said claim has long since been due and payable; that it has repeatedly been recognized and admitted as just and valid by different administrations of said Government of Peru; that relying upon said decree and proclamation, the said Théophile being possessed of great experience and extensive scientific knowledge, devoted years of toil and self-denial to, and expended large sums of money in the development of the theretofore hidden and unknown resources of said

government; and that during this time your petitioner furnished and supplied large sums of money to the said Théophile, which were used and applied by him to the advancement of his labors aforesaid, or to satisfy indebtedness by him contracted in prosecuting said enterprise.

That the labors of said Théophile were finally crowned with success, and resulted in great material advantage to said government.

That the fruits of the discoveries made by said Théophile have been wholly appropriated by the said government, without any compensation whatever being made to him therefor; and this, notwithstanding that thereby the said government has been able to restore and sustain its credit in the financial markets of the world, and notwithstanding the wealth and prosperity of said government have been greatly increased and advanced thereby; that said claim was not paid or satisfied in the first instance, because as was alleged by said government, the sum due said Théophile by the fair and reasonable construction of the terms of said proclamation and decree was so large, as to make it beyond the ability of said government to pay or satisfy; that thereupon and thereafter, said government entered into negotiations with the said Théophile looking to the reduction of said claim to an amount within the financial ability of said government to pay and satisfy; that the said Théophile and your petitioner, impelled by equitable considerations, waived their strict and legal rights, and made concessions in the premises.

Whereupon said government on, to wit, the 24th day of October, A. D. 1865, submitted a basis of settlement which was subsequently accepted by said Théophile and your petitioner. That notwithstanding the premises, the said government thereafter refused to carry out the agreement aforesaid, but wholly disregarded the same and every part thereof, and this in violation and disregard of right and justice and of its solemn agreements and covenants. That the said Théophile and your petitioner have been at all times and are now willing to give great indulgence to the said government as to the time and manner of payment of said claim; and if said government is unable to pay said claim in cash, are willing to accept the bonds of said government bearing a moderate rate of interest and payable at some reasonable time in the future. That said claim cannot be sued upon or enforced in the judicial tribunals of said government. That the Department of State of this government, though admitting the justice and equity thereof, declines to enter into diplomatic correspondence with reference to the said claim, solely upon the ground that it arises *ex contractu* and not *ex delicto*. That your petitioner is wholly remediless in the premises, unless through the intervention in his behalf of your honorable bodies. That the principle as to the duty and right of your honorable bodies to interfere on behalf of its citizens in such cases, has been, after full consideration and inquiry, heretofore settled and determined.

And your petitioner craves leave to refer to the act of Congress, approved March 3, A. D. 1875, entitled "An act for the relief of Joseph H. Colton" (United States Statutes at Large, vol. 18, part 3, p. 661), in support of this averment. That the extent, origin, and nature of the interest of your petitioner in said claim has been fully communicated to the said Government of Peru by documents duly authenticated, and now on file with the proper department thereof.

Your petitioner submits herewith a history of the said claim, marked Exhibit J. C. L., No. 1.

Whereupon he prays that this his petition may be received and duly considered, and that he may have such relief in the premises as may be just and right.

JOHN C. LANDREAU.

The claim of the petitioner and the facts set forth therein were made the subject of an examination by Mr. Henry O'Connor, examiner of claims in the State Department, with an elaborate opinion in relation thereto, submitted to Hon. Hamilton Fish, then Secretary of State, and is herewith embraced in this report.

(Printed above.)

The official correspondence of the State Department in relation to the claim is also submitted.

(Printed above.)

From a careful perusal of the foregoing official correspondence and a consideration of the facts therein disclosed, your committee are of the opinion that the claim of John C. Landreau is entitled to and ought to receive the favorable action of Congress.

FINDING OF FACT.

The following facts appear to be true and fully established by the testimony and documents submitted:

1. That the claimant, John C. Landreau, is a lawfully naturalized citizen of the United States.

2. That he derives his interest in said claim through his brother Jean Théophile Landreau, a citizen of France.

3. That said claim is founded upon the discovery of large and valuable deposits of guano, and that said deposits were converted by the Government of Peru to its own use, without making to the Landreau brothers any compensation whatever therefor.

4. That before Jean Théophile Landreau entered upon his laborious and expensive explorations, and before the said John C. Landreau advanced the large sums of money mentioned in said official documents to his said brother, the said Government of Peru had, by published decrees and proclamations, explicitly pledged itself to reward all persons, citizens or foreigners, discovering property theretofore unknown and belonging to said Government of Peru, with one-third of the value of such property.

5. That the discoveries of the deposits of guano resulted in great material advantages to said Government of Peru.

6. That the Landreau brothers have conducted themselves toward the said Government of Peru in endeavoring to obtain an adjustment and payment of their said claim, long since due and payable, in a fair and liberal manner, and have offered to make great concessions.

7. That the said Government of Peru has repeatedly recognized the validity and justness of said claim, and its legal obligations to pay the same, but has as frequently neglected to pay the same.

8. That the legislative branch of said government has declined to intervene on behalf of said claimants, or either of them, upon the alleged ground of want of jurisdiction over the subject-matter.

9. That the judicial branch of said government has likewise refused to render any aid or assistance to said claimants, or either of them, as against said Government of Peru.

10. That the executive branch of said Government of Peru has declined to render any account to the said claimants, or either of them, of the amount or value of the said property of said claimants taken by said government and converted to its own use, or to permit said claimants, or either of them, to examine the official records of said government touching said property so used and converted as aforesaid.

11. That the said Government of Peru has *denied justice* to said claimants and each of them in respect to their said claim.

12. That said claim still subsists in its entirety, unpaid and unsatisfied.

13. That all attempts of the said claimants to obtain relief through amicable negotiations have wholly failed of success.

14. That the unofficial efforts of the State Department of the United States, by correspondence and by the personal efforts of the duly accredited ministers of the United States to said Government of Peru, have likewise wholly failed of success.

CONCLUSIONS OF LAW.

As to the law of the case, your subcommittee submits the following conclusions at which he has arrived, for the consideration of the committee:

1. Congress established the principle of intervention on behalf of a citizen of the United States, having a *bona-fide* claim against a foreign government, the payment of which was unreasonably delayed by the act of March 3d, 1875, entitled "An act for the relief of Joseph H. Colton."

REMARK.—The principle involved in this act for the relief of said Joseph H. Colton, in respect to his claim against Bolivia, is certainly broad enough to cover perfectly the case under discussion.

If there be any distinction, the claim of the Landreaus is entitled to greater consideration. The amount involved is immeasurably greater, and the delay of payment longer.

The United States and Bolivia had public treaties providing for the reference of claims to a mixed commission for adjustment at and before the passage of said act as it now has with the Government of Peru.

But no proviso of any treaty that would prevent such mixed commission to take jurisdiction of a copartnership claim, which copartnership was composed of persons of different citizenships, exists. The committee of the other house of Congress, in stating the principle that should control in such cases, say, "They entertain no doubt that whenever a foreign government clearly owes an obligation to a citizen of the United States, this government should notice the obligation and should not hesitate to assert it. So much, it is apprehended, the government may do in every such case."

2. That it has been the invariable usage of all nations from the beginning of organized societies to demand reparation of the offending nation that has committed a tortious act to the damage of one of its citizens, and to enforce such demand by reprisal, or war, if need be.

REMARK.—As soon as the deposits of guano were discovered the interests of the Landreaus attached thereto, and the conversion of the entire property to its own use by the Government of Peru, without making compensation to the discoverers, was an

undoubted tort. I am unable to see any difference on principle in this case from the case of an alien mining for precious metals within the territorial limits of the Government of Peru, with the permission of that government, subject to a general law entitling the government to a royalty upon the ores that might be taken from the mines. Would it be contended for one moment that in the latter case the sovereign of the alien would not be bound by every principle of justice and international law to intervene if the foreign government, under pretense of securing the royalty, should seize and convert to its own use the entire body of the precious ore?

3. That the following are likewise well-settled principles of international law in respect to the duty of every sovereignty to enforce the claims of its citizens growing out of *contracts* with foreign nations:

"The promises, the conventions, all the private contracts of the sovereign are naturally subject to the same rules as those of private persons."—Vattel, § 213.

"The conventions and contracts which the sovereign, in his sovereign character, and in the name of the state, forms with private individuals of a foreign nation, fall under the rules we have laid down with respect to public treaties."—§ 214, Idem.

"When a lawful power contracts in the name of the state, it lays an obligation on the nation itself, and consequently on all the future rulers of the society."—§ 215, Idem.

"Reprisals are negative (as opposed to positive) when a state refuses to fulfill a perfect obligation which it has contracted.—Wheaton Lawrence, p. 506.

"The reclamation made on Mexico by England, France, and Spain, in 1861, seemed to pass beyond the ordinary case of reprisals for tortious spoliations and violated contracts."—Idem, p. 509.

OPINION OF MR. FIELD.

David Dudley Field, in an opinion in the Colton case referred to above, says:

"Every nation owes to its members maintenance of their rights; so long as it exacts allegiance and obedience, so long is it bound by the corresponding obligation to protect.

"This results from the relations between the citizens and the state. Commerce in its double signification of intercourse and traffic, may be lawfully carried on between one nation and its members and the other nation and its members. From this arises an obligation on the part of every nation to protect the members of other nations coming to it in their lawful commerce, and to enforce engagements made with them. The obligation of a nation can be enforced only by other nations. This results from the fact that a member of a nation cannot do it, both because he is forbidden and because he is too weak. He is forbidden by his own nation to assert his rights by violence, or to do anything for himself in respect to a foreign nation, except to resort to its tribunals and to ask of its government. Hence arise two obligations, that of Bolivia to Mr. Colton, a foreigner, to pay him the debt contracted, and that of the United States to Mr. Colton, their citizen, to enforce the obligation of Bolivia."

OPINION OF MR. EVARTS.

The present honorable Secretary of State uses language in regard to the case of Colton well worthy of the attention of the committee, not only on account of his distinguished rank as a jurist, but because of his position in the present administration:

"In the absence of any plea of inability to pay this admitted debt of the Republic of Bolivia, made in good faith and accepted as true by our own government, it seems the manifest duty of the latter to compel the payment of the money due Mr. Colton by the ordinary coercive processes known among nations and justified by international law."

President Andrew Jackson, with that high courage guided by a conscientiousness always placing him upon the highest plane of principle and justice, declared the true attitude of this government toward its citizens receiving injuries from foreign nations.

In the matter of French spoliations, he says, in his message to Congress, December, 1834:

"It is a well-settled principle of the international code that where one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt, without giving just cause of war."

Wildman, in his Institutes of International Law, vol. 1, pp. 187 and 188:

"When a state refuses to repair an injury *or to pay a debt*, or to redress any wrong, the state that is injured may seize anything that belongs to the offending state, and detain or confiscate it in satisfaction of such wrong. For this purpose the property of all

private persons forms part of the state whereof they are members, whether as native-born citizens or as persons domiciled therein. * * * As every state considers an injury to any one of its citizens as an injury to itself, it is not unjust that they should be liable for the obligation of the state, which is bound to indemnify them for any losses which may ensue."

In his great work on International Law, volume ii, page 8, Phillimore says:

The right of interference on the part of a state, for the purpose of enforcing the performance of justice to its citizens from a foreign state, stands upon an unquestionable foundation, when the foreign state has become itself the debtor of these citizens. It must of course be assumed that such state has, through the medium of its proper and legitimate organs, contracted such debt; whether that organ be the sovereign alone, according to the constitution of Russia, or the sovereign and parliament, according to the constitution of England, the debt is contracted with foreign citizens, whether in an individual or corporate capacity, constitutes an obligation of which the country of the lenders has a right to require and enforce the fulfillment."

Again, in volume ii, page 12, Phillimore says:

"The obligation of the state debtor is, if possible, yet stronger when the debt has been guaranteed by treaty; for in that case the foreign may be entitled to a preference over the domestic creditor."

Again, in volume iii, page 34, Phillimore says:

"One of the grounds of the war between the United States and Mexico was the non-payment of debts due from the government of that country to citizens of the United States."

As to obligations of governments, Vattel in his Law of Nations, page 161, says:

"We have the right to obtain justice by force, if we cannot obtain it otherwise, or to pursue our rights by force of arms." * * *

In the case of Marbury *v.* Madison, Chief-Justice Marshall, one of the ablest and purest jurisconsults of any age or country, said:

"The very essence of civil liberty consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain the King himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court."

Again, in the case of Ogden *v.* Saunders, Judge Marshall said:

"It is no objection to the principle that the injured party may be the weaker. * * * Every man retains the right to acquire property, to dispose of that property according to his own judgment, and to pledge himself for a future act.

"These rights are not given by society, but are brought into it. The right of coercion is necessarily surrendered to government, and this surrender imposes on government the correlative duty of furnishing a remedy."

Every attentive reader of history and observer of current events knows that a great advance has been made within the last five years by all civilized nations in the direction of extending protection or furnishing redress toward its citizens wherever they may have been induced to go for the purpose of carrying on commerce or transacting business; that for these reason, armies have been collected and fleets equipped at great expense; that to-day the financial administrations of the Sultan of Turkey and Khedive of Egypt are in the hands of the representatives of certain of the great European powers and being conducted in a manner to afford the greatest benefit to their creditor citizens and the largest security for their claims.

RESOLUTION.

The committee therefore recommend the adoption of the following resolution:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the petition of John C. Landreau, the report made thereon by the Committee of Foreign Affairs, and the accompanying papers, be transmitted to the Executive Department, with the request that the President take such steps as in his opinion may be proper, and in accordance with international law, to secure to the said John C. Landreau a final settlement and adjustment of his claim against the Government of Peru; and that, if in his opinion it is proper to do so, the President invite the Government of France to co-operate with the United States in his behalf.

V.—ACTION OF THE HOUSE OF REPRESENTATIVES.

FEBRUARY 21, 1880.

Mr. HILL. The Committee on Foreign Affairs, to whom was referred the petition of John C. Landreau, a naturalized citizen of the United States, for the aid of the Government of the United States in the furtherance of his claim against the Government of Peru, have directed me to submit a report, accompanied by a joint resolution, which I hope may be put on its passage now. It does not involve the expenditure of a sin-

gle dollar, but simply grants in behalf of a citizen of the United States the good offices of the President and Secretary of State in the settlement of a claim against a foreign government. I hope there will be no objection to the passage of this joint resolution.

The joint resolution (H. R., No. 219) was read a first and second time, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

MR. HILL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.—*Congressional Record, February* 21*st*, 1880, p. 15.

VI.—ACTION OF THE SENATE.

FEBRUARY 24, 1880.

Mr. EATON. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 14) for the relief of John C. Landreau, to ask to be discharged from the further consideration of this matter. It relates to a contract between a citizen of the United States and the Peruvian Government, and it is the opinion of the committee that it is a matter entirely within the power of the Executive Department.

Mr. VOORHEES. I ask that it be placed on the Calendar with the adverse report.

The VICE-PRESIDENT. The Chair hears no objection to that request, and that order will be entered.—*Congressional Record, February* 24, 1881, p. 38.

VII.—THE GUANO DEPOSITS.

There are no guano deposits of importance in the world, except the Peruvian, and all the Peruvian deposits were discovered and placed at the government disposal by Cochet and Landreau.

The discoveries of Cochet were officially enumerated in the following decree:

Supreme Decree, declaring the Guano Deposits known to the Government, May 7, 1852.

José Rufino Echenique, President of the Republic:

Considering

That it is necessary to exercise the greatest vigilance over the guano deposits, the property of the government, in order to prevent smuggling, or the fraudulent shipping of guano, which forms to-day one of the greatest resources of the government;

That notwithstanding the repeated orders which have been given, that the birds which breed on said islands should not be molested by fishermen, or others, who may come near said islands, and in this manner disobeying said regulations, to the prejudice of these deposits of guano and their preservation;

That the above-mentioned abuses render it indispensable that the government should designate the authorities who should carry out the orders of the government in relation to the guano deposits on said islands;

That the said deposits of guano being at great distance, one from the other, they cannot be placed under the control of one agent, and it appears most natural that they should belong to the districts on the coast to which they are nearest; it is decreed:

ARTICLE 1. The guano deposits belonging to the republic will form part of the districts or provinces as follows:

The Lobos Islands, near the point of same name, situated in 5 degrees 13 minutes south latitude, shall belong to the district of Paita and province of Piura.

The small islands of Lobos de Tierra, and its adjacent deposits, situated in 6 degrees 27 minutes south latitude, shall belong to the district of Lambayeque and province of Lambayeque.

The islands of Lobos de Fuera, situated in 6 degrees 57 minutes south latitude, shall belong to the district of Eten and province of Chiclayo

The Malabrigo Islands, situated in 7 degrees 49 minutes 11 seconds south latitude, shall belong to the district of Paijan and province of Trujillo.

The islands of Santa and the Terror Islands, situated between 9 degrees 11 minutes and 9 degrees 17 minutes 11 seconds south latitude, shall belong to the district of Santa and province of Santa.

The islands of Don Martin de Mazorques and Pelado, situated between 11 degrees 4 minutes and 11 degrees 25 minutes 11 seconds, shall belong to the district of Huacho, province of Chancay.

The islands of Pescadores and Ancon, situated in 11 degrees 46 minutes, shall belong to the district of Carabayllo, province of Lima.

The island of Hormigas, situated in 11 degrees 56 minutes, shall belong to the province of Callao.

The three Chincha Islands, situated in 13 degrees 32 minutes 11 seconds south latitude, shall form a separate district, and will be under a governor to be appointed.

ARTICLE 2. For the care and custody of the above islands there shall be employed a sufficient number of guards, to be changed for others as may be deemed necessary.

ARTICLE 3. On the principal and best situated of these islands there shall be constructed houses, which are comfortable, for the guards to live in, and there shall be also stationary boats or launches which may be necessary to keep up a communication between these islands and the coast.

ARTICLE 4. A vessel of war shall be employed specially to cruise between said guano islands, and make periodical visits, carrying monthly provisions and water sufficient to furnish all the guards who may reside thereon.

ARTICLE 5. The prefects and governors of said provinces are charged with the execution of the said regulations, and the strict observance of them by those concerned, and shall render a careful account of what may happen at the islands under their charge, and cause to be observed all of the foregoing resolutions given in reference to said islands.

Communicate and publish.

Lima, May 7th, 1852.

JOSÉ RUFINO ECHENIQUE.

The discoveries of Landreau are next enumerated:

List and geographical description of the guano deposits discovered and made known by M. Théophile Landreau, in the years 1856 *and* 1859, *which were enumerated in his petition to the supreme government on the third day of November*, 1865, *and are contained in the lists that, since* 1866, *have been deposited at the legations of France, England, and the United States of America.*

DEPOSITS TO THE NORTH OF LIMA.

1. A point called Los Chinos, in 9 degrees 13 minutes south latitude. In this place there exists a deposit of some magnitude.
2. The port of Bay Samaco, in 9 degrees 15 minutes south latitude. A short distance to the south, and in front of the open coast, there is a space of ground more than 500 yards long by more than 100 yards broad covered with guano.
3. The small Bay of Chimbote, in 9 degrees 6 minutes south latitude. A large deposit of guano, principally on the same site occupied by the huts of the fishermen.
4. In the plain which extends between Nepeña and Santa there is a space of more than a league in length, La Cruz del Medio, where guano is found.
5. The islands of Cornegos, in 9 degrees 53 minutes south latitude.
6. The islands of Viuda, in 9 degrees 23 minutes south latitude.
7. The islands of Tortuga, in 9 degrees 21 minutes south latitude.
8. The islands of Coesco, in 9 degrees 14 minutes south latitude.
9. The islands of Blanca, in 9 degrees 5 minutes south latitude.
10. The islands of Corcobado, in 8 degrees 57 minutes south latitude.
11. The islands of La Viuda, in 8 degrees 54 minutes south latitude.
12. The islands of Decheo and cape of the same name, in 8 degrees 46 minutes south latitute.
13. Between the fortress of Pativilca and the port of Huarmey, and between Huancha and Callao, are a few deposits of guano of inferior quality, which do not deserve attention.

DEPOSITS TO THE SOUTH OF LIMA.

14. The little island of Asaia, in 12 degrees 48 minutes south latitude.
15. The islands Blanca and Ballestas, in 13 degrees 44 minutes south latitude.
16. The islands San Gayan, in 13 degrees 50 minutes south latitude.
17. The islands of Zaráte, in 13 degrees 59 minutes south latitude.
18. Morros de Carretas, in 14 degrees 10 minutes south latitude.
19. Island and Morras de Viejas, 14 degrees 16 minutes south latitude.
20. Small island and bay of San Nicolás, 15 degrees 15 minutes south latitude.
21. Port of Lomas, in 15 degrees 32 minutes south latitude.
22. Puntas de Lobos, in 16 degrees 9 minutes south latitude.
23. Point and small island of Atico, in 16 degrees 4 minutes south latitude.
24. Point and small island of Pescadores, 16 degrees 24 minutes south latitude.
25. Islands and coast of Acoña, in 16 degrees 30 minutes south latitude.
26. On all the coasts from the point of Cornejos to Islay there are small quantities of guano at short intervals, the same as from the point of Mejia to the coast of Cocotea.
27. From the point called Capilla to the Cabo de Lobos inclusive; guano is found likewise in the neighborhood of the brook de Camarones toward 19 degrees 13 minutes south latitude.

28. In Pisagua, a small bay to the north of Inique, there is a deposit of guano, with sand in some parts, but in sufficient abundance.

29. At the point and island of Mejillones, situated in 19 degrees 51 minutes south latitude, there is also guano in considerable quantity.

30. The islands of Coluine, Pajaros, and others to the south of Iquique contain small quantities of white guano, which might serve as a manure for the agriculture of the country.

31. At the plain called Cochapampa, situated at the foot of the town of Iquique, and which extends from the sea to the brook of Huancata, and the hill Parada, extending toward Huan-Tajaya, are various places where great deposits of guano are found mingled with carbonates, nitrates, and chlorides of soda and potash.

32. From the cañon of Chursmara, or Chuquniata, up to Punta-Gruesa inclusive, many ravines full of excellent guano are found; among others we may cite those of Lobo Culata, Sacramento, Aminas, Morello, Guajes, Colorado, etc.—ravines that are 500 or 600 yards long by 100 or 150 yards wide. All these deposits are covered by a crust and thick coating of sand.

33. Between the coves of Chucumata, in 20 degrees 31 minutes south latitude, and the Pabellon de Pica, known to the state, exist large deposits of guano, especially on a kind of low peninsula situated in 20 degrees 56 minutes, more or less, south latitude, on the slope of which is found an eminence which is all guano.

34. From the ravine of Pico to the point Chomoche inclusive, are found more than 30 ravines and deep breaks of 400 or 600 yards in length each, by 150 yards in breadth and 20 or 30 yards in depth, all pure guano of the best quality.

AMOUNT OF GUANO IN THE LANDREAU DISCOVERIES.

The La Patria of October 20th, 1874, says that the guano exported to Europe from the island of Ballestas up to that date was 76,771 tons, taken by 57 ships.

According to the report of the Junta Central of Engineers, a copy of which has been distributed by the Peruvian Government, 137,500 tons of guano had been exported from the beds at Chananaga (No. 33 of Landreau's list).

It is a well-known fact that at this date there are over 20 ships loading at the Vieja Islands. This island, No. 19 of Landreau's list, contains upward of 400,000 tons of guano.

According to the Nacional of June 1st, 1875, it appears that the Government of Peru had opened to the agriculture of the country the following guano beds:

1. All those to the south of Arequipa (except Pabellon de la Pica, which belonged to the government), comprised under Nos. 27 and 25 in Landreau's list, containing upward of 800,000 tons of guano.

2. One of the small islands situated to the north of Huarmey, No. 5 of Landreau's list, containing about 10,000 tons.

3. Two of the deposits in the vicinity of Port Lomas, containing at least 20,000 tons each, and marked Nos. 21, 22 and 7 in Landreau's list.

4. One of each of the deposits of Mala and Asaia, numbered respectively 14 and 4, containing no less than 800,000 tons.

VIII.—PERUVIAN TACTICS.

A summary outline of Landreau's negotiations with the faithless executive of a faithless people, prior to the execution of the contract which was only held out as a bait to conceal the hook which should be his ruin, will throw valuable light upon the future as well as upon the past.

For nearly twelve years this patient scientist pursued his explorations, braving dangers and innumerable privations, till his labors were crowned with a large success, and he not only discovered but surveyed and located a large number of valuable guano deposits of vast extent hitherto wholly unknown, probably from the fact that they existed in regions previously deemed inaccessible, and thus without the pale of civilization.

At once upon his return in 1856, he informed the government of his discoveries, and upon the 29th of July in that year presented himself in person at the treasury and filed a written declaration to that effect.

On the 30th of December, 1859, after a prolonged absence, he renewed his application and filed a petition which was admitted January 5th, 1860.

"*To the Minister of Finance:*

"YOUR EXCELLENCY: Jean Théophile Landreau, a native of France and a resident of this city, with due respect presents himself before your excellency, and states that he has discovered certain guano deposits on the coast of Peru, and is ready to point out the locations and bring samples of the guano immediately the government informs him

what his recompense will be, soliciting at the same time a list of the deposi's known to the government up to this date.

"J. T. LANDREAU.

"LIMA, *December* 30*th*, 1859."

The minister of finance indorsed the petition as follows: "Let the director-general of finance report."

The report of the director-general of finance, to whom the petition was thus referred, states the necessity of proving that the deposits of guano mentioned in the petition were *bona fide* new discoveries.

It is further stated in the report that the government was aware that the coast district of Peru abounded in deposits of guano, and that all belonged to the state; but in case Landreau's petition referred to deposits that were new, then it would be but fair to agree to his receiving a share as the discoverer.

The petition was next sent to the attorney-general, who reported as follows:

"The attorney-general is of the same opinion as the director-general of finance, as to the fact of verifying whether the deposits of guano declared by Jean Théophile Landreau have or not been known up to this day; it is therefore necessary to make such a search, and in consequence this office is of the opinion that if, after having made the verification by means of the certificates and reports of the state department, it should happen that the said deposits are unknown, your excellency will then be able to accept the declarations of Landreau, and notify him, as a reward, of the allowance of a third part of the guano discovered, conformably to the 6th paragraph of the decision of the council of state of February 13th, 1833, vol. iv. of the collection of laws by Quiroz, and which besides is the general law applicable to this matter. Your excellency can therefore order a suitable verification to be made, and decide, according to the contents of this report, or as your excellency will deem advisable.

"VILLARAN.

"LIMA, *January* 18*th*, 1860."

Finally the petition was returned by the department of national credit upon the 25th of February, 1860, when Landreau's request for a list of the deposits known to the government was declined upon the plea that such a list did not exist in that office; but the demand being firmly persisted in, a list was opportunely discovered, and in November, 1862, the government published a list of all the known deposits of guano at that date.

Landreau having learned that other persons were claiming his discoveries, renewed his application on the 2d of December, 1862, and demanded a copy of his former petition to the government.

On the 20th of December, 1862, the government furnished a further list of guano deposits then known to exist, and Landreau then drew the attention of the government to the fact that the deposits discovered by him were not mentioned in either of these government lists, and that he was therefore clearly entitled to the one-third share promised to original discoverers.

On the 24th of May, 1864, Landreau, hearing that his original petition and other documents relating to it were lost, obtained a certified copy from the French legation, and handed it to the government, with a view of having all subsequent judgments and reports appended to it.

Among the documents thus handed in there appeared a list of the deposits known to the government, and Landreau again drew the attention of the government to the fact that the deposits discovered by him were not mentioned in the government list. And convinced that his case was good in law, and supported by the opinion of the attorney-general and other authorities, he hesitated no longer in indicating the exact position of his newly discovered deposits, and requested the government to have them surveyed and his claim estimated.

At length on the 24th of October, 1865, his claim was in effect accepted by the government, and confirmed by a decree granting him a recompense upon the following terms:

Upon the first million tons of guano, 10 per cent.; upon the second million, 8 per cent.; upon the third million, 6 per cent.; upon the fourth million, 4 per cent.; upon the fifth million, 2 per cent.

It was understood that the remuneration offered to Landreau should not extend beyond the above terms.

The terms and conditions mentioned in the last section were accepted by Landreau, and in consequence a contract was drawn up between the Peruvian Government and Landreau, and signed in the presence of Notary Claudius José Suaroz, of Lima.

Upon the following day the sealed envelope containing the lists of deposits discov-

ered by Landreau (which had been given to the ministry December 30th, 1859) was opened by the minister of finance, who retained possession of it by virtue of the clause in the contract to that effect.

IX.—PERUVIAN REPUDIATION.

Shortly after the signing of this contract the revolution of Pardo took place, followed by a series of political convulsions, which caused this question to remain in *statu quo*, until Jos. Balta became president of the republic.

At this time the treasury being exhausted and the government in great financial straits, it was found necessary to devise some means to meet the approaching obligations and relieve the financial pressure.

At this juncture President Balta sent for Landreau and informed him that during the revolution the list of newly discovered deposits had been lost, and requested him to furnish it another copy, frankly explaining that he relied upon these deposits to save the credit of the republic, and to tide over the financial trouble; the press of England complaining that the deposits of guano in Peru were exhausted, and demanding new security for present and prospective bondholders. The times were critical, and President Balta promised to pay Landreau not only the terms stipulated in the signed contract but offered to add the rate of 60 per cent. upon all deposits in excess of five millions of tons.

This promise was solemnly made in the presence of Messrs. Garcia Calderon, Pedro Galvez, and La Rosa, the ministers of finance, state, and justice.

Upon the day following—that is, upon December 9th, 1868—confiding in this solemn executive assurance, Landreau handed to the minister of finance a new copy of the list.

How much a Peruvian pledge is worth the confiding foreigner better knew when, just three days later, Balta and Calderon published a fresh decree accepting the new discoveries and annulling the discoverer's contract.

The decree of annulment was published on the 31st December, 1868, in the official gazette, El Peruano. This decree bore date December 12th, 1868, and included a list of the deposits discovered by Landreau, in which the fact that he was the discoverer was expressly recognized.

Further action was taken on the 2d of January, 1869, when the minister of finance named the commission to survey Landreau's deposits and to take possession.

Before the commission could effect its object, however, Mr. Calderon retired from the ministry of finance and was replaced by Mr. Pierola, who not only repudiated the contract of 1865, but also the supreme decree, and stopped the commission from setting out. Finally he opened for exportation the islands of Ballestas, they being No. 15 in Landreau's list, and sent to England, France, and Germany copies of the Peruano, dated 31st of December, 1868, containing the decree of the 12th of the same month, and the list of deposits discovered by Landreau.

This decree and list was reproduced in the London Times and other important journals in Europe, and produced the desired effect of resuscitating the credit of the Peruvian Government and disposing European capitalists to entertain the financial projects about to be submitted to them.

It further appears that later, according to the El Comercio of the 3d of December, 1873, the list of Landreau's deposits was again, by order of the government of Mr. Pardo, reprinted in the London Times of October 25th, 1873, when increased improvement in the Peruvian bonds was manifested.

The decree of repudiation contained an intimation that a new contract might be made with Landrean after a resurvey of his discoveries, and in the journal El Nacional of December 12th, 1873, we find that upon the 5th of that month the government issued a decree ordering a commission of engineers to examine the islands and coast of Peru, to measure and value such deposits of guano as they might find.

This commission set forth without Landreau, and that fact coming to the knowledge of Count de Bellonet, the French representative, he called upon a member of the government and verbally demanded an explanation.

He was answered by M. Riveaguero, minister of foreign relations, that the government had not considered it necessary that Landreau should accompany the commission, because it was believed that the deposits in question were of little value. He added, however, that if the commission should find that they were of any considerable value Landreau would be largely recompensed.

A SUGGESTIVE OFFER.

The next output of this model executive was a published offer of *a premium of five per cent. to any adventurer who would establish a claim adverse to Landreau's.*

Upon the sole credit of these new deposits, which, but for the twelve years' toil and large expense of the Landreau brothers would still be unknown, the Peruvians not

only escaped imminent bankruptcy, but even obtained fresh loans aggregating not less than $200,000,000. These loans were based upon official surveys of European engineers, who reported the deposits to contain at least 10,000,000 tons of guano, worth at least $380,000,000. Landrean's one-third—for the repudiation of the special contract restored to him his original right to one-third—is worth, upon this basis, not less than $125,000,000.

X.—PERUVIAN LOGIC.

Three years after the opinion of Attorney-General Villaran, recognizing as a matter of course Landreau's right to the statutory one-third of his discoveries, his successor in office deems it opportune to enter upon an original disquisition, which should not be left in relative obscurity. But we have only room for abstracts and extracts. This eminent logician recites that:

"Landreau, having asked what recompense would reward his discoveries, was answered by Dr. Villaran on the 18th of January, 1860, that, according to his opinion, he was entitled to one-third part of the value of the property discovered, this being the general practice and in accordance with the 6th paragraph of the vote of the council of state, February 13th, 1833; but it must be borne in mind that said premium is only meant for those who should discover national property which is *unlawfully possessed*, for as soon as it becomes the domain of private right, there is a possibility of having to run the risk of seeing said usurpation legitimized by a transfer to a second person, who, receiving it in good faith, might, after a certain number of years, consider it as prescribed property. Furthermore, the risk run by the nation of losing said property is only too evident should it not be discovered in due time, and in consequence the necessity of stimulating discoverers with a heavy premium. Again, such property as deposits of guano is not exposed to individual appropriation, for it is held as national property, though it be unknown for years, and this fact destroys the cause for the allowance of the one-third in question; besides which there is no reason for holding out a premium whereby the nation loses a great share of its own property, the integrity of which is preserved under all circumstances, while the use of the same is not imperative at present, for the sale of guano is limited to the demands of the *home consumption*, and for this reason there are as yet deposits that have not been worked.

"If by the above reasons we come to the conclusion that the one-third premium cannot be applied in such an absolute manner, it cannot, however, be denied that a just recompense is due to the person who discovers property the intrinsic value of which swells the wealth of the nation. Among the legal principles that might with less impropriety be cited to cover the present case, though not pointing to an exact analogy, is the article 520 of the Civil Code, whereby the premium of 15 per cent. is allotted to any person who finds property not his own in case of jettison or shipwreck. In this there is no usurpation. A true owner exists, and yet there is a discovery, although the cause that led to the placing of the property on the beach is different to that of placing the unknown deposits said to have been discovered by Landreau.

"Now, then, if notwithstanding the possibility of private appropriation in the case of jettison or shipwreck, the premium does not exceed 15 per cent., how much less it must be when the risk of such malappropriation does not exist."

The attorney-general concludes: "That the third part cannot be granted to Landreau, nor even 15 per cent., and the only manner of bringing the point at issue to a conclusion is to come to a private understanding with Landreau, who, convinced by the above reasons, will no doubt enter into a prudent arrangement which will always prove beneficial to him if the discovery is of the magnitude he describes, and for the preservation of which he has used neither efforts nor capital.

"It is necessary to say that this affair, the importance of which will gradually develop itself, may give rise to questions of grave character, especially as to settling whether the deposits had been previously known or not, and that it is convenient to establish beforehand general rules in order to avert complications in the future." These rules, according to the attorney-general, are:

"1. That although Landreau's deposits are not enumerated in this report, they will be counted as known if it can be proved that the guano has been used for agricultural purposes, or that they have been known by any of the local or general authorities.

"2. That any question arising out of Landreau's responsibilities as the discoverer, or the State as owner, will be ventilated before the tribunals of the republic, and in accordance with the civil laws of the land, no other intervention being allowed.

"URETA.

"LIMA, 31*st October*, 1863."

SUPREME DECREE.

"LIMA, *October* 24, 1865.

"This petition, having been examined by the council of ministers, and taking into consideration that the deposits of guano to be found in the different localities of the

territory of the republic, constitute the principal part of the national wealth, and that the discovery of new beds will enhance the same as well as the financial credit of the nation; that Jean Théophile Landreau, represented to-day by Thomas Carlos Wright, says that there are deposits of guano entirely unknown, and offers to make the same known to the government, demanding for this service a proportionate recompense; that it is strictly just to accede to said recompense in case the deposits are altogether new, in accordance with the unanimous vote of the council, and with the report of the attorney-general of the supreme court. The petition of the said Landreau is GRANTED under the following conditions:

"1st. Landreau, immediately after accepting this decree, and a public contract of the same having been drawn up, will designate the deposits of which he calls himself discoverer, said designation being made with the greatest possible minuteness, it being well understood that no deposits known up to date shall be named in the same.

"2d. The premium accorded to the discoverer is 10 per cent. on the net proceeds of the guano discovered if the number of tons is one million or less; 8 per cent. on the tons exceeding one million and not reaching two millions; 6 per cent. on the tons exceeding two millions and not reaching three millions; 4 per cent. on the excess of three millions and not reaching four; and 2 per cent. on the excess of four millions of tons and not reaching five; it being well understood that for any number of tons above five millions there will be no recompense, the excess belonging exclusively to the nation.

"3d. Neither Landreau nor any other person or persons representing him, shall ever agitate any question growing out of the concession established in this decree before any other authorities or tribunals than those of the republic, and in accordance with the laws of the same, renouncing expressly all diplomatic intervention; it being an expressed condition that should he ever employ such means that sole fact will destroy the effect of this resolution, and he will be unable to claim any premium whatsoever.

"4th. The discoverer or his attorneys are forbidden, directly or indirectly, to interfere in the contracts of sale or any other contract that the government may be pleased to make regarding the guanos of the new deposits, for his right will be limited to asking the share which, according to the percentage already mentioned, may fall to him.

"5th. The government will begin operations on the new guano deposits as soon as it will deem it convenient, the discoverer or his attorneys not having the option to demand when a start shall be made.

"6th. This concession will be void in case the government or any authority can plainly prove that they had official or private report of the deposits said to have been discovered by Landreau."

CONTRACT.

"LIMA, 28*th October*, 1865.

"The administrator signing at the foot in the name and as the representative of the state, making use of the authority vested in him for this purpose, affirms by these presents that this concession guarantees Jean Théophile Landreau the terms named in the six conditions mentioned in the supreme decree of 24th of October, A. D. 1865, which said statement forms the true essence of this instrument, against which at no future time can there be any reclamation in any manner whatsoever, unless the grantee or his attorney should not either wholly or in part comply with the supreme resolution approving the discovery made of the guano belonging to the nation; and if such be the case the compliance with the stipulations of the sixth article of the supreme resolution aforesaid will be faithfully carried out; and if Landreau or his attorneys do faithfully fulfill every act demanded of him, the same faithfulness will be used toward him in carrying out the six principal conditions forming the basis of this contract.

"JOSÉ FELIX GARCIA.
"THOMAS CARLOS WRIGHT.

"Witnesses:
"ESTANISLAO ENRIQUEZ.
"MANUEL ANTONIO LA TORRE.
"JOSÉ DE LA FUENTE.
"Notary:
"CLAUDIO JOSÉ SUAREZ."

DECREE OF REPUDIATION.

"MINISTRY OF COMMERCE AND FINANCE,
"LIMA, *December* 12, 1868.

"In virtue of the demand made by Jean Théophile Landreau, claiming his right arising out of the contract entered into between him and the government, and the full fillment of said contracts, he making known to the Government of Peru the names of

the different places where the deposits of guano are situated, and putting them all at their disposal; the government taking into consideration that the said contract can never be accepted, on account of several defects which render it null; that the premium stipulated to be accorded to him is of such a great amount that it can never be given by the government: that it is convenient to examine the guano deposits discovered, so as to see if the same be of good quality and of any advantage to the national interests. In virtue of these reasons it is hereby declared that the contract signed between the government and Landreau, 2d November, A. D. 1865, is *null and void, whilst the discovering of the deposits and the information of the same made by him are accepted;* and it is hereby decreed that as a basis for a new contract said new guano deposits shall be examined by a special commission appointed for that purpose.

"This commission is to proceed, in company of the discoverer, Mr. Landreau, to the different places indicated by him, and to measure the deposits of guano referred to in his declaration, taking from each a sample in order to have the necessary analysis made in view of testing the quality and value of the same.

"Let Landreau be made acquainted with this resolution, that he may name the recompense he asks for in the aforesaid declaration.

"BALTA.
"CALBERON."

XI.—COCHET AGAIN.

The original benefactor of these graceless people, as we have already seen, never litigated his claim.

The history of Landreau's patient meekness shows how much wiser was Cochet than his disciple, and the present proprietors of Cochet's claim will waste neither time nor money in diplomatic parley.

It suffices the present purpose to conclude the proofs of Cochet's title and its due assignment, and to indicate the immedite executive measures resolved upon.

As we have already seen, this model government, first despising the chemist's offered revelations, gave to his friend and that friend's partner a six years' concession for a song, and in spite of Cochet's warning extended it three years more; then suddenly observing that Europe was really buying guano, and that Allier and Quiroz were making scores of millions, as suddenly set matters right by repudiating the concession altogether, and when pushed, compromising it by a bonus of 10,000 tons for a release of Allier's claims. And in this connection, the better to justify their violence to Allier, they plead, and so admit and forever estop themselves from afterward denying, that Cochet was the true and sole original discoverer.

The following extract is a literal translation from the pamphlet and congressional report of Peru on the Cochet claim in 1851:

"Under the conviction of all these truths, based on positive facts and on veridical documents, *the congress of* 1847 *declared Cochet to be the true discoverer and utilizer of guano*; and the commission encharged to understand in the reclamations of Allier, deciding in favor of the pretensions of this gentleman, affirm that not as the discoverer the premium awarded him is given, because this premium belongs to Cochet, to whom it ought to be assigned. (See the Correo Peruano, Nos. 921, 925, and the Comercio, No. 2552 Sessions of 22d to 28th December. Speeches of Messrs. Roman, Gonzales, and Polar, members of the commission.)

"Finally, on September 30, 1849, the commission of premiums declared Cochet a creditor for that of five thousand tons of guano for his *expenses*. This man, according to what has been shown, has well gained and well merited the premium which has been assigned him, and which should have been delivered to him long ago."

And no attempt to recall this irrevocable admission has ever been made.

The text of the original decree of 1833 is next given, and following the text of subsequent decrees amplifying and confirming the original. None of these have ever been repealed.

In volume 4, in the compilation of Quiroz, page 266, will be found the following, to wit (paragraph 6 of the council of state):

"LIMA, PERU, *February* 13, 1833.

"The council of state is of the opinion that the executive be made acquainted with the following:

"That any one, after the publication of these presents, who shall have discovered property belonging to any suppressed convents, or other property belonging to the state, shall have a right to a third part of said property."

In volume 3, law 6th, book 10, title 22d of the new Spanish compilation, still in force, will be found the following, to wit:

"ARTICLE 7. The case being terminated, the tribunals declare, by a sentence, that all proclaimed property will be applied to the construction and preservation of roads,

and it will be distributed as follows: Two-thirds will be applied to the above-mentioned end and the remaining third to the discoverer. The same application will be made with unknown property, and if the thing discovered is less than six thousand maravedis the expenses will be deducted, and the balance will be divided in three parts as mentioned. Then the property will be sold at auction. As to vacant or doubtful property, the same procedure will be followed."

SUPREME DECREE OF 1847.

"Agreeably to the papers and the report of the superior tribunal of accounts, and also that of the attorney general of the supreme court, and considering that according to information received by the government it is probable that there is much municipal and government property which produces nothing, because the state officers lack information and necessary knowledge on that subject:

"It is hereby declared that the revenue officers seek and discover said property, in order to form the matriculation books; for those discoveries being considered as declarations, the said functionaries or any one else will be allowed one-third of the capital discovered and interests not discharged, according to the 6th law, title 22d, book 10 of the new compilation, and decree of February 13, 1833. Let this be circulated and published.

"RIO,
"*Minister of the Interior.*"

Rubric of his excellency.
(See El Peruano, April 21, 1847.)

Peruvian laws regarding contracts.—No. 2.—Law upon contracts.

"Citizen Ramon Castilla, constitutional President of the republic, considering that Congress has passed the following law:

"The Congress of the Peruvian Republic, considering:

"1st. That public credit is the true wealth of the country, and that without it nations as wealthy as they may be cannot exist.

"2d. That in consequence of the continuous revolutions which have agitated the country, it becomes daily more difficult to settle satisfactorily the public debt, has passed the following law:

"1st. The executive will faithfully fulfill in all their parts the contracts made with parties, whether they be national citizens or foreigners, whatever may be the time and government under which they have been made.

"2d. In regard to payment, preference will be given to those claims made under constitutional authority, then continuing with those ordered by *de facto* governments, but in both cases *in the priority established by their date* of issue.

"Let this be made known to the executive, so that they may do what is necessary for its accomplishment by having it printed, published, and circulated.

"Done at Lima, October 21st, 1845.

"MANUEL SALAZAR,
"*President of the Senate.*
"MANUEL CUADROS,
"*President Chamber of Deputies.*
"TADEO CHAVEZ,
"*Senator, Secretary.*
"A. AVELINO CUETO,
"*Member, Secretary.*

"Whereby I order this to be printed and communicated to whom it may concern.
(Signed) "RAMON CASTILLA.
"JOSÉ PAZ SOLDAN.

"LIMA, June 18th, 1846." *

XII.—THE NITRATE BEDS.

These lie close to the extreme southern limit of Peru upon the borders of Bolivia, and the veins extend across the borders into Bolivia. They constitute substantially the sole resources of the world of their kind, and are practically inexhaustible, having the exceptional characteristic of *self-renewal* wherever locally exhausted, every three or four years.

The deposits on the Bolivian side of the boundary line are considerable, but relatively unimportant in comparison with those upon the Peruvian side, the latter covering an area of not less than 100 miles by 400, say 40,000 square miles in all.

* See El Peruano, June 20th, 1846, No. 52.

These vast deposits have never been efficiently developed, having been worked only by stray foreign "squatters," until a short time before the unhappy war now closing, when President Pardo, on behalf of the government, bought out the "squatters'" claims, and took charge of the public domain in government behalf, and had but just inaugurated the new management when the war intervened and substantially stayed all manufacture.

The victorious Chilians now propose to annex to Chili the entire territory both in Bolivia and Peru where niter is found.

The annual product of the Peruvian beds has been heretofore something like $25,000,000 worth; this volume under proper administration would be easily doubled, if the demand should warrant such increase. The capitalized valuation of the Peruvian beds is estimated by well-informed merchants at not less than $2,000,000,000.

XIII.—SILVER, GOLD, AND COPPER.

If Peruvian credit has not been of the best hitherto, it has not been the fault of a generous providence. The country, whose true history has read more like the dreams of romancers than like the sober record of actual life, was never richer than she is to-day. A financial policy which has consisted chiefly of promises to foreign lenders and indulgence to domestic peculators, has gone naturally in company with an administrative policy which aimed above all else at the avoidance of native industry and even of native exploration. The undeveloped mineral resources of Peru in the hands of such men as are now opening up Mexico, would revive what was seen in the days of the Incas. A recent writer says:

"Between 1869 and 1870 some natives of Calama, in company with three Chilians, discovered the famous mines at Caracoles (in Bolivia). The exploration of about 150 square miles disclosed 40,000 veins, and the production is valued at $50,000,000. A small fraction of the working mines reported between 1870 and 1874 a production of $24,000,000 and a net profit of $20,000,000. In 1876–'7 the same party discovered silver deposits equally rich at Inca, only 30 miles from Calama, and work was just commencing in them when Chili took possession of the place. Copper mines are so abundant in that region that they attract little attention, and only a few near the sea are worked. On the coast of Peru, near the niter beds, silver and copper mines are no less abundant, and those of Huantuyaya in Iquique have been celebrated since the last century.

"Gold is also found in great abundance, and particularly on the banks of the River Loa."

XIV.—HISTORICAL AND GENERAL SUMMARY.

1. The special wealth of modern Peru has been her nitrate and her guano.

2. For the practical discovery of these—the discovery of their commercial value—Peru is indebted solely in the first instance to Alexandre Cochet, and this indebtedness as to guano she has published to the world.

3. Under statutes existing at least seven years before his discovery of guano, Cochet became entitled absolutely to one-third of all guano deposits within Peru.

4. If Cochet be not entitled to one-third of the deposits afterward pointed out by Landreau, then unquestionably Landreau is entitled to it.

5. Peru has acknowledged her indebtedness to Landreau also, under circumstances and in terms most extraordinary, and no question remains for discussion or revision as to what is due *from Peru*—whether to Cochet or to Landreau.

6. The decree concerning the public credit (*ante*, p. 45) fixes the indebtedness to Cochet as one entitled to payment in full before any claim of later date has even payment in part.

7. This decree having been published in 1845 was notice to the world, and all creditors of a later date are bound by it.

8. The claims of Chili give least concern of all, resting on force alone, and not on equity. Besides she has Bolivia, her original antagonist in the struggle, to satisfy herself upon, and cannot be allowed to make an ally a principal victim to the prejudice of equitable commercial creditors with older claims.

9. No attempt has ever been made by Peru to deny her indebtedness to either Cochet or Landreau. The very decree of repudiation reaffirmed the obligation, and all the courts refused to pronounce against the plaintiff.

10. Not a single dollar has ever been paid to either Cochet or Landreau, or to any heir or assign of either.

11. The legal representatives of Cochet have an unquestionable title now to so much of Peru as when converted into money will satify the debt, with interest and all costs of liquidation and collection, and it is for them alone to elect what property they shall take and how they shall convert it.

12. The representatives of Landreau have a like right to payment after the prior debt shall have been first extinguished.

13. The Chilians must take Peru, like any other estate, subject to all existing indebtedness, and must wait the satisfaction of such indebtedness first. The law of nations is well settled, and cannot be successfully questioned.

14. This claim is perhaps the largest of its kind in the history of the world, and all governments will unite in demanding its proper adjustment as an important precedent.

15. The present proprietors acquired title directly from Cochet, and being all native citizens of the United States will vest the title in the Peruvian Company, a corporation already organized under the laws of one of the United States to receive such title and to collect the claim.

XV.—CONCLUSION.

1. The amount of guano already taken out of the Cochet islands—including the Chinchas—will be shown by the Peruvian custom-house records, and will aggregate, it is said, not far from $1,200,000,000 worth. The discoverer's one-third of this would be $400,000,000, and interest upon this amount at six per cent—say for an equalized average of twenty years—would be $480,000,000 more. The amount remaining in these islands is not positively known, and is probably not more than $200,000,000 worth: and in the Landreau deposits, say $350,000,000 more. The Chilian plenipotentiary has recently announced that his government are about opening very rich deposits on the Lobos Islands—which are included in this group.

It is probably within safe limits to say that, including interest to accrue before the claim can be fully liquidated, its owners will realize not less than $1,200,000,000.

2. Can Peru pay so much without exhaustion?

Easily—and not even suffer. She has chiefly squandered her resources heretofore, and will go on to squander them as long as she manages them.

Squatters have taken substantially all that has been taken from the great niter beds hitherto, and the government's only interference was to pay them upward of $20,000,000 cash for their improvements. The first guano contract, as we have seen, brought the government say, $75,000, and the contractors at least $100,000,000. The $200,000,000 borrowed in Europe went into railroads on terms which left Contractor Meigs $60,000,000 profit, after providing for the army of favorites; and the entire system of roads thus built was then turned over to a French syndicate for a mere song. The £21,000,000 advanced a year ago by the house of Dreyfus was dissipated like snow in April, and was in fact but the bonus which that thrifty firm could well afford to pay for a continuance of its guano contracts. And now, finally, Peru lies at the feet of Chili, and Chili proposes to take all the niter and all the guano.

3. It is not necessary, nor is it proposed, to use any severity in the collection of this claim, nor to impose any hardship upon the debtor country. Neither is it necessary to use any measures such as would result in individual taxation, or such as, in Europe or the United States would necessarily put a pressure upon the masses of the people.

Chili, by mere force of arms proposes to take $3,000,000,000 worth of property to indemnify herself for a war outlay liberally allowed at $100,000,000; and the code of nations requires no neighboring government to prevent her. But commercial creditors have prior rights, and the governments of which those creditors are citizens will fully protect them. The comparatively small claims of the citizens of England, France, Germany, and Italy have already been duly notified and allowed for, and the larger right of the subjects of a not less vigilant government must receive equal consideration.

4. The policy which may be finally adopted by the executive of the Peruvian Company need not be foreshadowed here. It is sufficient for the purposes of the present writing to point out the material facts as they exist, and to leave them with the remark that not the slightest difficulty in shaping a practical policy need be experienced.

The proprietors of this claim will easily enough command any grade of executive and diplomatic talent, and they have no idea of intrusting its management to any grade below the first.

5. Nothing involved with this claim need require any interference in the debatable merits of the war now closing; and the sole interest of this company being commercial, its good offices as a practical mediator may even prove of exceptional value to all governments concerned. Chili's original quarrel is with Bolivia; Peru only came in later to support her nearest neighbor. The niter beds and silver mines of Bolivia are alone sufficient to satisfy all reasonable claims which any code of war recognized by civilized peoples could allow; Chili will not be forbidden any legitimate fruits of her success by this intervention of commercial creditors; on the contrary she will greatly better her standing in the family of nations by moderating her views within

reasonable limits. The peoples of the leading governments value generosity above force now, and the people of the United States in especial have recently shown a magnanimity which they will be glad to see imitated by a sister republic.

6. Undoubtedly the Peruvian Company must in the interest of all the creditors of Peru, even if the extraordinary claims of her conqueror should remain unchallenged, and in the interest of Peru herself, take the initiative in the adjustment of her commercial affairs. Peru herself is for the moment in both financial and political insolvency. Not even her flushed conquerors propose to destroy, but only to humble her. Her creditors much less could willingly injure her; but they are bound to protect themselves, and to do so effectually. Leaving to the three governments all political problems, the Peruvian Company will content itself with problems of finance, and will investigate these as one creditor only among others, and will neither ask nor accept any other advantage than such as a mere matter of mathematics and of equity is inseparable from its circumstances. Every minor creditor shall, upon the proper proof of his right, have as effectual protection, so far as the Peruvian Company can afford it, as though he were one of its own shareholders. And toward the unhappy debtor herself a policy will be observed which will convince her people that since Cochet himself, her greatest benefactor, she has never had a friend so true and so helpful as the successor to his rights, the Peruvian Company, which, standing between an excited enemy on the one hand and an ineffective administration of her great wealth on the other, shall pay all her debts for her, without the waste of a single dollar or the loss of a right that ought to be preserved.

The foregoing statement has been prepared primarily for the information of a select number of representative American capitalists, to whom the first issue of stock will be limited, for the sole purpose of securing an organization and executive worthy of the enterprise. A few copies will also be placed in the hands of representatives of the governments interested, as an advance courtesy and an assurance of the purely judicial attitude which the Peruvian Company and its owners will maintain toward all other interests which might, by ill judgment, be brought into collision with ours. Nothing herein is intended for publication or for the public at present, and every copy now given out is to be treated as only loaned for the time being.

The announcements of policy herein made may be relied upon as to all material issues. The executive of the company will, in due course, speak officially and in detail.

Meanwhile the undersigned will receive any overtures which authorized deputies may desire informally to submit, and which may properly be laid before the executive of the company so soon as it shall be finally constituted.

The terms upon which the first issue of stock will be made may also be learned upon application to the undersigned.

JACOB R. SHIPHERD,
Attorney for the Proprietors, 10 *Spruce Street, New York.*

Dated May 20, 1881.

[Private draft memorandum. Return to Jacob R. Shipherd, 10 Spruce street, New York.]

TRUTH DEMONSTRATED AND CALUMNY DEFEATED.—BRIEF HISTORICAL ABRIDGMENT OF THE FACTS WHICH PROVE THE TITLES OF ALEXANDER COCHET TO OBTAIN THE PRIZE WHICH, AS TRUE DISCOVERER OF THE VALUE OF GUANO, HAS BEEN AWARDED TO HIM BY THE COMMITTEE ON PRIZES OF THE CONGRESS OF 1849.

APPENDED IS THE REIMPRESSION OF THE NEW PROPOSALS PRESENTED TO THE SUPREME GOVERNMENT AND THE NATIONAL REPRESENTATION.

The following is a correct translation.

ADOLPHE PIERRA.

PHILA., *May 24th*, 1881.

GUANO.

PROOFS THAT COCHET WAS THE FIRST ONE THAT MADE ITS PROPERTIES AS A FERTILIZER KNOWN TO EUROPEAN AGRICULTURISTS, AND THAT, CONSEQUENTLY, TO HIM IS DUE THE ESTIMATION, VALUE, AND APPRECIATION IN WHICH IT HAS BEEN HELD FOR THE LAST TEN YEARS.

In the year 1840 Cochet, in his intercourse with Allier, communicated to him his scientific observations upon the various properties of guano, its application to the arts,

or, as manure, to agriculture, in order that, through his management, a contract might be entered into with the government, in which he was to have an interest.

Allier, betraying the trust confided to him by Cochet, procured for Señor Quiros a lease for all the guano islands. Allier did not even mention Cochet, and played to such an extent on his confidence and credulity that he persuaded him that Señor Quiros had negotiated the contract without his consent, and lamented as unfortunate both for him and for Cochet, the circumstance of the latter's not having contracted beforehand for the lease of the aforesaid islands. Cochet discovered to him that much could yet be remedied, since there was also guano on the continent. Allier then hurried to Quiros, and had him add an article to his contract, embracing not only the guano contained on the islands, but also all that might be discovered on the continent, which article was approved by the government, then not aware of the magnitude of the transaction. On finding out such villainous proceedings, Cochet presented himself to the council of state, exposed the fraud and robbery perpetrated on the nation and on himself, and asked for the abrogation of the ominous contract. In order to enlighten the government on the subject, he forthwith published his dissertation on the properties of guano, and its applications either to the arts or to agriculture as a fertilizer. This is briefly the history of what happened. Look now to the respective documents.

On the 10th of November, 1840, signed Quiros the first contract, obligatory for six years, the sum of 60,000 pesos to be paid in the following manner: 38,500 pesos in coin credits, this being the remainder of the robbery made on that famous machine; 1,500 pesos, cash, 10,000 pesos twelve months after; and the balance, 10,000 pesos, two years from date. On the 4th of December of the same year three more years were voluntarily added to the contract. On the 17th of the same month the coast was added to the islands, on the petition of Quiros, who stated in his application that he had just been informed that Punta de Lobos, Pabellon de Pico, and other guano producing places, were really not islands, but peninsulas, forming part of the continent. (See "Los Peruanos," Nos. 40 and 52, and "El Comercio," No. 473.)

Notwithstanding the first remonstrances made by Cochet to the council of state, dated February 15th, 1841, whereby the term of the contract was reduced from nine years to one, they shipped considerable amounts of guano, which was sold at first at 120 pesos per ton, in consequence of the information given by Cochet to Allier, companion of Quiros, although the fact was not then made to appear in order to deceive Cochet. However, Allier could not conceal his evil doings long, and Cochet, on becoming aware of such treachery, resolved to make known his secret.

The wide circulation of the news of those sales having confirmed the truth of what Cochet had announced, public attention was awakened, and the journals commenced to occupy themselves on the subject. But as neither the true value of guano nor its proper application to agriculture was yet known either in Europe or in Peru, the price of guano came down to almost nothing in England as soon as they had extracted therefrom the large quantity of ammoniac, of which Cochet had told Aquiles, and learned that there was an unfailing supply of the article in Peru, as Allier assured.

Every one was speaking and discoursing in the dark, when Cochet published, in 1841, his dissertation on guano and its properties. In that work the author stated that this article was destined to produce a revolution in the arts, and by means of a curious scientifically-formed scale, showed the method to be employed in using that deposit as a manure, and indicated the relative quantities to be used for any kind of plants or crops to be raised, by a simple rule of proportion. By this calculation Cochet proved mathematically that a cargo of guano was equivalent to *fourteen cargoes of grain*. (This dissertation is in print, and an abstract from it with the agricultural scale can be seen in "El Comercio," No. 3665, Thursday, October 2d, 1841, and it is also attached to the process.) All were moved at the appearance of such a document, and the English minister sent immediately a large number of copies to England.

The true import of guano was known immediately from the memoir of Cochet, and the council of state, which, by virtue of the previous representations, had resolved to annul the contract of Quiros and Allier, had no more knowledge upon the value of guano than that furnished by Cochet, said council being entirely ignorant of the high price at which it had been sold in Europe. This appears from the report presented by Counselor Señor D. Lucas Pellicer, in which it is stated that only after the council had agreed to annul the contract, did he know of the high price at which guano had been sold, and that through the minister of finance (de hacienda). It is therefore evident that if public opinion had been alarmed at the contract of Quiros and Allier, and if the council had rejected it as injurious and onerous, it was not in consequence of the news received from Europe, for such news had not come, according to the declaration of the council, but as a result of the disclosures made by Cochet. So certain is this, that Señor Laso explicitly relied on the merits of that dissertation to defeat the mentioned contract, in the session of the 18th. (See "El Comercio," No. 742, council of state, November 18th, 1841.)

Allier answered, heaping insults on Cochet, but could not confute any of his manifestations, whose convincing arguments brought all the writers of that time to the

support of Cochet, through their editorial articles, as can be seen by "La Bolso," Nos. 250, 251, and 255, November, 1841.

Dr. G. J. Antonio Colmenares, in his opinion as *fiscal* (attorney-general), dated November 26, 1841, was in favor of annulling the contract; and notwithstanding that Allier made strenuous efforts to sustain it, and so discredit Cochet, the latter, by the force of his reasoning, carried his point, and rendered to the nation the inestimable service of acquainting her with the great value of guano, and of enabling her to get rid of a contract pregnant with irremedial injury to her interests.

However, up to that time, nothing was known in England as to the manner of using guano as manure, as the tons sold there at 90 to 120 pesos were utilized for the extraction of ammoniac, and their price fell considerably afterwards. But as soon as the British agriculturists tried it in pursuance of the exact rule given in Cochet's dissertation, and they found out that the results corresponded to what was announced, guano was priced at its true value. This may be inferred from the important circumstance that only after the publication of Cochet's memoir was there a fixed rule for the use of guano as manure; and as there has never appeared any other, no doubt can be entertained that it was the one which was followed. In 1845 D. Manuel Menendez, president of the council, mentioned Cochet to prove that by his work he learned the real value of guano, a fact that brought about the abrogation of the Quiros-Allier contract.

By reason of what has been stated, Cochet, isolated as he was in society, with his single-handed efforts, and shielded by justice and right, succeeded in timely preventing the ratification of that famous contract, which would have been both dishonorable and ruinous to the nation, and to secure which Allier employed with eagerness and activity all the craft of a *Rodin*, in order to blind the Peruvian Government and Sr. Lemoines, chargé d'affaires, who, being on the point of interfering in the matter, desisted on hearing him; and he also had furnished the government information and reasons more than sufficient to induce him to annul that contract. (See a letter concerning Allier in "El Comercio," No. 144.) Moreover, immediately after the abrogation of that contract, the greater portion of the commercial firms of this capital, desiring to engage in this business, and not being informed on the subject, consulted Cochet. He satisfied them all, destroying any fears they might have entertained. Among them may be mentioned especially Mr. Montane, Mr. Ponmaroux, and Juan Hain, with whom he was in social intercourse. The latter manifested an eager desire to engage in this business, trusting in the reasoning of Cochet's dissertation; but disheartened by a letter he had received from London a few months before, and which he showed to Cochet, announcing that the guano sent by him had been thrown into the Thames as useless, he dare not embark in the enterprise, and requested the undersigned to tell him frankly whether he was certain that he was not mistaken on the properties of guano as applicable to agriculture, and to give him some explanations that should convince him. Cochet willingly complied with Sr. D. Juan Hain's request, giving him all the information he could desire, and furnishing him with so many data that, his fears being vanished, instead of considering it a risky business, he saw in it a *safe and brilliant enterprise*, and consequently was the first to make to the government a proposal of a *new contract*, for which there were so many applicants that the government suddenly received 800,000 pesos, at a time when it most needed the money a few days after the unfortunate occurrences of Ingarvi, when the enemy was on the frontier, preparing to invade Peru. The government had then no troops to defend the country, nor money to raise them; but on receiving that sum, improvised a brilliant army which defeated the plans of Bolivia, and caused the nation to be respected. Who can gainsay these facts? Nobody; for all Lima has witnessed them. In regard to D. Juan Hain and Montane and Ponmaroux, the facts have been published in the newspapers of the capital whilst they were here, and they have not denied them. They can also be found in my process.

Convinced of all these truths, which are based on positive facts and documents worthy of faith *the Congress of* 1847 *declared Cochet as the true discoverer of guano*, and the committee charged with the claims of Allier, in giving his opinions in favor of the gentleman, affirmed that the prize was awarded to him, *not as discoverer, as this title belonged to Cochet, to whom one should be awarded as such*. (See "El Carreo Pernano," Nos. 921 and 925, and "El Comercio," No. 2552, sessions of the 22d and 28th December. Discourses of Señores Roman, Gonsalez, and Polar, members of the committee.)

Finally, in 1849, the committee on prizes declared Cochet entitled to the prize of 5,000 tons of guano for his expenses and discoveries, although imposing the condition that he should reveal his other secrets before receiving the recompense. It does not appear just on the part of the nation to require this condition from a man who, as stated, has gained and deserved so well the assigned reward, which should be granted long since.

ANOTHER DISCOVERY ON THE SAME GUANO.

It has been seen already that Alexander Cochet is the real discoverer of the estimation in which guano is now held, and the author of the immense benefits conferred by it on the nation. However, he offers to increase its value from two to threefold provided that the proper rewards are granted to him. For this purpose the most natural proceeding is to authorize the Executive to make arrangements with Cochet, who has made himself deserving of the public confidence by the authentic proofs he has given to the supreme government in laying before the public the reality of his discovery, for the last ten years relegated to oblivion as visionary, with his proposals and offerings upon

NITRATE OF POTASH.

This important secret, which consists in the method of changing the bases of nitrate of soda into nitrate of potash at a nominal price, and to facilitate a largely increased production of gunpowder, is deserving of particular attention. Cochet has offered to furnish the government with nitrate of potash for half the price paid abroad, and promises to reveal an unfailing source of materials for its production peculiar to Peru, by which the saltpeter of Tarapaca, which has always been sold for exportation at the rate of twelve reales to two pesos a quintal (100 pounds), shall reach the price of twenty to twenty-two pesos, which is the cost to the government for that of the third decoction stored up for its powder factory. "Fool, charlatan, visionary"—such were the epithets applied to him on making this proposition; letters were referred to; exigencies were made; they sent to Europe for information; a note from a respectable person which appeared to confute the assertion of Cochet was shown to him. Such an accumulation of obstacles and contradictions had been directed against the truth of the facts; but Cochet can triumphantly say to his enemies: "Shame on you, for the mean contrivance of your iniquitous plot which has only helped to render more complete my triumph. You have always wished to close on me the doors to glory. Behold how at last they are opened wide, and, with my glory, a brilliant future for Peru, which will now know that Cochet never promises what he cannot perform." Effectively, the assays made by order of the supreme government have ever resulted most satisfactorily. This nitrate, on being examined and analyzed, has turned out to be superior to the best European article, and the gunpowder manufactured from it has greatly surpassed in quality the best made in this country, although this is superior to the European powder. There is nothing else to be desired, and the only thing left to be done is to empower the Executive to arrange with Cochet about the reward to be bestowed upon him for such a valuable discovery, considering the great wealth it can confer upon the nation. *It may make Peru the gunpowder mart of the world.* The American nation will come here for her supplies in view of the very low prices at which it it may be sold, and its unsurpassed good quality. Moreover, if the necessity of this article is considered, whether for supplying the ordinary demands, for the leveling of mountains, for the working of new mines, or for the opening of canals and roads, it will be easy to form an accurate idea of the magnitude of the offer. The manufacture of this article is susceptible of the greatest improvement by following Cochet's instructions, and this will bring to the government a revenue nearly equal to that derived from guano, with the advantage of its being inexhaustible.

Cochet expects that the sovereign Congress will give its attention to all that has been stated, and that the year 1851 will see rewarded the merits of a man whose only aim in life has been to promote the prosperity of Peru

It is doubtless to be feared that the ill-omened man who continually persecutes and annoys me may now, as ever before, try to deceive the deputies, employing the inexhaustible resources he can command in the field of defamation and imposture. It would not be strange if by means of his despicable maneuvers he would seek to obstruct the course of negotiations now pending, and to render doubtful my rights, now crying down my discoveries, now planning impediments or interposing obstacles, with the purpose of making me despair at last, and abandon what has been always the dream of my life; that is to say, the noble pride of being able to attain the glory of being useful to the Peruvian nation, rendering her all the service within my power. However, I trust, and this encourages me, that this time his schemes shall be frustrated, for I have great confidence in the integrity and good sense of the Señores Representantes, who will not be willing to deprive their country of the advantages I offer her, in order to heed the futile suggestions of a man who, for the merit of robbing the nation, succeeded in securing a gift of 10,000 tons of guano; whereas they kept me for ten years bringing forth my claims, without obtaining the prize that I have earned by my researches and efforts. It is not, therefore, to be thought of that the national representation, forgetting its own dignity, may trammel with conditions against a just grant. By such proceeding it would gain little honor, as this would amount to the seizure of a man's property, since the 5,000 tons of guano granted to me have been earned beforehand by my work. If I accepted one of the conditions imposed on me, I was forced to it by the

persecutions and taunts to which I was subjected, as I wished to demonstrate in an evident manner that I was not a visionary; and I have victoriously proved this with the evidence of the new discovery, which tests have resulted as satisfactory as they are convincing to the supreme government.

That I may be awarded proportionate prizes separately for my new discoveries, in view of their utility, is an act of justice entirely independent from the subject of guano.

Once again, I hope that the Señores Representantes, taking all my statements into consideration, will show at last that Peru does not forget the service received, nor the benefits made in behalf of his aggrandizement.

ALEJANDRO COCHÉT.

NOTE.—Persons desiring further information may read the numbers of "El Comercio" of Saturday 27th, Monday, 29th of September; Thursday 2d, Wednesday 8th, Thursday 9th, Friday 10th, and Tuesday 14th, of October of the present year, 1851.

LAST PROPOSALS PRESENTED TO THE SUPREME GOVERNMENT AND TO THE NATIONAL REPRESENTATION, BY ALEJANDRO COCHET.

MESSRS. EDITORS: Please publish my last proposals to the nation, with the documents belonging thereto.

I do not send you the whole process for public information on the subject, because it is extensive and voluminous; but if I carry my point, as I expect, from the high wisdom of the men at present at the head of the government, the people shall see that I have never endeavored to deceive them; that I have worked, and worked for their good, and that if I now claim the prize of my wakeful labors, it is only to prevent a repetition of my previous experiences. However, I can affirm that, if I derive any benefits from my discoveries, those which will accrue to Peru from the same shall be a thousand and a millionfold greater, and this being my principal and favorite idea, I shall feel happy if the nation, accepting the fruit of my assiduous labors, will reach the full measure of weal I desire for her.

ALEJANDRO COCHET.

LIMA, *September 15th*, 1851.

MOST EXCELLENT SIR: I, Alejandro Cochet, a citizen of the French Republic, respectfully appear before your excellence and state, that during the government of your predecessor, General Castilla, I proposed to the Cuerpo legislature some effectual means to increase the public wealth. The opinion of the committee, to be found in the process, a copy of which I accompany, and a member of the chambers, are vouchers of the advantages to accrue to the state without laying any burden on it. The closing of the sessions of Congress prevented then the acceptation of my propositions; consequently I waited for the meeting of the ordinary legislature, in order to bring this business to a close.

Now that the new administration of your excellence has called an extraordinary session of Congress, one of the objects of the convocation being (object 8 of the decree of the 30th of April ultimo), "to consider the public revenues, and, should it be necessary, to devise means to meet entirely the calls on the public treasury for the year," the time has come for my petition to be considered in the extraordinary legislature, since its object is to increase the public funds without any burden on the exchequer. If I do not make evident the reality of the resources I will bring out, I will not only forget the prize of 5,000 tons of guano proposed by the committee, but be also the butt of public censure and contempt and opprobrium, for my failing in substantiating my offers. I am very certain that on accepting my proposition, Peru will have a source of wealth from which she shall draw millions on millions for centuries to come, the prize being too small and not proportionate to the magnitude of the discovery.

May Divine Providence grant that this great work has been reserved for the administration of your excellence; in the same manner as He reserved the discovery of this New World for Ferdinand the Catholic, and to Da. Isabella I. who listened to the demands of Columbus the Genoese, when they had been slighted in other kingdoms.

If your excellence desires to have a more extensive and complete knowledge of the matter, be pleased to look over the two processes, one of which can be found at the minister of war's office, and the other at the secretary of the honorable chamber of deputies, which will throw sufficient light on the subject.

I am ready to give summarily or minutely any proofs that may be required to thoroughly satisfy the government about the reality of my discoveries at my expense. Therefore,

To your excellence I ask and pray that he may deign to have the extraordinary Congress, in accordance with the edict of convocation, take some action about my petition, which I consider to be right and necessary to the prosperity to which the Peruvian nation is destined.

Most excellent sir,

ALEJANDRO COCHET.

LIMA, *May 7th*, 1851.

COPY OF THE REPORT OF THE COMMITTEE OF THE NATIONAL REPRESENTATION OF THE LAST CONGRESS OF PERU ON THE PETITION OF COCHET.

The committee on prizes, to which was referred the petition of D. Alexandre Cochet, a citizen of the French Republic, has taken into consideration not only the address of this chemist and naturalist, in which he demands the adjudgment to him of the 5,000 tons of guano that the national representation is disposed to grant to the Señores Allier and Quiros, believing them to be the first discoverers of the fruitful properties of this manure, and the first to introduce it into the European markets, but also the number of documents on the subject published through the press since 1840, and for many years previously.

It would be too diffuse to relate all the revelations found in such publications, as they have been circulated in every corner of the republic, and have been seen by the gentlemen composing the chamber; therefore, the committee will confine themselves to a brief review of the merits and scientific learning of the petitioner. This person came to Peru in 1826, as a scientific traveler, with the intention of returning to his country at the close of his explorations. He brought letters of recommendation to the government of that epoch, and invited by it and pressed by Generalissimo Gamarra, who knew his merits, to fix his residence in Peru, he has, to the present time, remained in the land as his adopted country, relying on the distinguished protection which the government tendered to him, as appears from the documents in his possession. From that time he devoted himself to travel over and survey the whole territory of the republic. He frequented the mountains of the Andes, including the Pampas of Sacramento, Canibos, and the palisade of the Portuguese, on the Amazon River. There he observed, speculated, and made interesting discoveries in the vegetable, animal, and mineral kingdoms. He extracted quinine and balsams, made the essence of cinnamon, and recognized many resins, perfumes, and medicinal drugs. He traveled over the greater part of the Cordilleras, so rich in varied and valuable minerals, which he has examined and utilized; and also over the sea-coast and plains of Peru, where he discovered untold riches, especially in the saltpeter deposits of Tarapacá, where he converted the nitrate of soda into nitrate of potash. This discovery, and the information of the method of utilization, up to that time unknown, even in the country, would be a source of immense wealth for the nation, affording at the same time a livelihood for many poor families, and facilitating the manufacture of gunpowder, which, becoming an article of exportation, would give a supremacy over the contiguous states of this continent, and even over Europe, and would bring very large sums into the nation's treasury.

Heretofore it was believed that the guano analyzed by Cochet was only useful as a fertilizer, which would make agriculture progress wonderfully; but this chemist has discovered in this product other properties, which double its value and prove the power of science. This last discovery is still unknown in Europe, and we should take advantage of it when it is offered to us. Since Providence has provided us with rich deposits of guano, we must not neglect the occasion of increasing three and fourfold the value of the national products, convinced, as we are, that the nation would thereby secure new source of wealth.

All civilized nations greatly appreciate the importance of new discoveries, no matter how small they may be, and thus hasten to lavish prizes and rewards on inventors. All flatter, invite, and fondle the learned; and Peru, being ranked as a civilized nation, cannot afford to lose the advantages offered by Cochet, which will accrue to the immense benefit of the country, by refusing him, through a thoughtless and despicable economy, the moderate reward for which he asks. Really, the complete discoveries of the chemical properties of guano, their advantageous applications to industry and the arts, and the knowledge that more profitable substances may be extracted therefrom, persuade us that such is their paramount importance, that they are destined to revolutionize the sciences and the arts.

Besides this, the petition of Cochet is based on the constitution, article 55, paragraph 14. The fundamental law guarantees the liberty of all kinds of industry, and exclusively that of those inventing something new or improving other inventions; but the appellant wants an inducement, a stimulus, a reward proportionate to the magnitude of his discoveries. He could indeed, in view of his petition (like Columbus), enrich another nation with the very products of Peru, which would be unpardonable for us, in the present penurious and distressing circumstances of the republic, overwhelmed as she is under the enormous weight of the public debt, both foreign and interior, from which it is our duty to free, or at least to relieve her.

Upon these remarks, concisely and summarily put forth, the committee proceeds to give a safe opinion, without contingency or risk, in the following terms:

The 5,000 tons of guano demanded by Don Alejandro Cochet, as a compensation for his expenses, and as a reward for his discoveries, are adjudged to him, with the condition that he discover the other properties that raise the value of this article, for which, and for disclosing and teaching the method of converting the nitrate of soda into nitrate of

potash, other prizes shall be awarded to him proportionate to the advantages accruing to the nation, this to be guaranteed by the national representation; and in order that the resolution may be punctually and fully carried into effect, let it be transmitted to the executive, empowering it to stipulate with the concerned party upon the prizes to be given him, either in guano or money, or both, the petition being previously required to furnish his proofs personally and privately to the government or its agents, with the purpose of having his experiments taught and published after he has obtained the prizes.

So advises the committee, with full conviction, mutual fidelity, and without involving or risking the interests of the nation. Let it be reported.

ATANANO MACEDO.

COMMITTEE ROOM, LIMA,
September 30th, 1849.

Agustin Ratos, Thomas Ramis, Ambrosio Ortega, Manuel Cordero.

To the National Representation:

SIR: I have endeavored constantly and obstinately for ten consecutive years to transfer to the Peruvian nation several kinds of discoveries that must raise her to an incredible height of wealth, and I have also demanded the reward due to me for the first discovery I made and revealed, viz: To have raised guano to the estimation in which it is held at present. I have failed; my proposals and petitions have remained in the offices of the ministers of the various administrations; some have been long sleeping under their portfolios; others have been eaten by moth in the archives of the government for the last eleven years, without their having ever deigned to take action on any of them, and I have been kept with folded arms, unable to dispose of my own person, not knowing what to do or what to think, until, being out of patience, I was compelled to jump over all the barriers raised before me by the enemies of the country and mine, in order to be finally heard in the last legislature.

The great majority of the senores diputados have most favorably received my petition, and knowing them to be advantageous to the country, they have taken an eager interest in letting it see the accompanying opinion of the committee, which not only does me justice, but also confers great honors on me. These honors I do not deserve, for I am indebted for those discoveries rather to the goodness of God, who had deigned to recompense with them my assiduous labors than to my little scientific knowledge. I have not brought here great science, but I have done more than those who have been and are still boasting that they brought it.

However, the committee impose on me an undue condition on granting the small reward I ask for—a reward which is promised and guaranteed by the constitution, which I have lawfully earned, and which strict justice entitles me to. But that does not cause me to dismay; and although the prize should be granted without the condition of revealing my other discoveries, I willingly accept said condition, if only to show that I am not an imposter or charlatan; this with the proviso that I shall be awarded the other prizes proportionate to the importance of the discoveries, saving my right to service already rendered, and for which the committee has made grants; because a contract does not depend on outside parties, nor has ever bound them, nor should I in human justice, be shackled with so many and so great stipulations, to secure what is lawfully my due.

But as I said before, I accept the sole condition of proving what I promised in my memorial, concerning the transmutation of the nitrate of soda of Tarapacá into nitrate of potash, on the same condition laid down in said memorials, in order that I may be finally granted both prizes, the first of which has been already twice earned, and the second, considering the magnitude of the discovery, for which I only ask a hundred thousand dollars, as will be seen as soon as it is revealed, is not paid in its just price with a million of dollars. Notwithstanding the indisputable merit of having openly and generously published the propositions for my said discoveries, I have been exposed for ten years to have my footsteps followed by captious speculators, covetous of discoveries not belonging to them, in order to take advantage of mine. Indeed, many persons in this capital have hastened to make many an experiment, praying the government not to take any action on this affair, as they were sure to find out my secrets. General Castilla, being convinced that the attempts made here were fruitless, ordered his consuls in France and England to ascertain whether said discovery had been made in London. This has been affirmed by a certain person, well known in the country, with the sole object of annulling my proposals, and, as is customary with him, trying to injure me, to the prejudice of the nation, he having, on the other hand, requested the most famous chemists to try and discover my secret. But all of these attempts have proved unsuccessful, for nothing has been obtained after so many years' experimenting, and Señor Rivera, Chargé d'Affaires in London, about six months since, sent a note to this supreme government, informing it that notwithstanding having

consulted all the learned men of France, England, and even Germany, no headway had been made in regard to the investigation of my discovery. This note I have read myself in the minister of war's office. Let them discredit my assertion, let them discredit all those learned men of Europe to which I have referred, who are interested in revealing any useful discovery, for love of glory and for love of mankind, to which they consecrate their labors; but let them believe at least the testimony to be found in the minister of war's office, furnished by said person, also a scientist and a professor of chemistry, and they shall be convinced that I am the sole possessor of the secret. The strict and religious fulfillment of the award of the prizes I have named, on the part of the supreme government, will enable me to reveal other discoveries, perhaps superior to the ones above mentioned, which are to be measured by other prizes proportionate to the advantages accruing to the nation, and one of said discoveries being upon the guano, it will increase its consumption and enhance its value. I pledge my word of honor that, immediately after the conclusion of the saltpeter affair, I will give the proofs which shall substantiate my secret, which I can easily do, in a few hours on a small scale, or in a few days on a larger one, to the entire satisfaction of the government. I will proceed forthwith to present to the supreme government a proposal concerning this affair, in order that it be transmitted to Congress, with the government's observations, and that Congress take the proper action in the premises, when I trust I shall have the glory and the satisfaction of proving the success of this my last discovery. But if, unfortunately, I do not succeed in raising three or fourfold the value of guano, of which I am almost certain, I am completely sure to increase its price, and that the rise and estimation I shall give it will be remarkable enough to deserve a proportionate recompense.

If any of the señores diputados should doubt that I will keep my word in regard to enchancing the estimation of guano, I agree to leave in deposit half the amount of the prize in guano, 2,500 tons of entry out of the 5,000, twice earned, as a guarantee for the performance of this last proposal, the same to be forfeited in case of failure; but if I succeed I shall have earned said prize three times, and with three times more merit than had Jacob to obtain the hand of his beloved Rachel for carrying on his shoulders the blear-eyed Leah.

Let it be understood that this third discovery has no connection nor contingency with the other two prizes, bound in fact by the voluntary judgment of the commission, which I have accepted, so that my proposals are three instead of one. It will be also stipulated an amount equal to that to be forfeited in case of failure in raising the price of guano, shall be ultimately earned; or *vice versa*, on obtaining the success, said amount shall be added to the award that shall belong to me for enhancing the estimation of said guano. This shall be stipulated after the payment of the first two prizes gained, and before I will proceed to furnish the proofs of this third discovery. If I made the sacrifice of revealing and giving away this secret, which worked by myself in Europe would bring me an exorbitant fortune, as I could utilize it under the veil of mystery by disguising the substances without altering their effects, it is nothing but justice that the Peruvian nation shall assign and secure to me a proportionate share in the source of wealth which I present to her.

Moreover, if no agreement is arrived at upon these conditions, there shall be no betting, and consequently the amount left in deposit shall be delivered to me. Perhaps I will be charged with selfishness for asking many prizes. I will say to this that I consider myself in the same category as miners, who fix a stake on each vein they discover, the same being granted to them by the wise laws on the subject, for the more riches that are discovered the more is society benefited, and it is both an act of justice and a stimulus to progress to secure to discoverers a part of the wealth they bring out. If I aspire to a fortune, it is not for the purpose of hoarding it up, but of using it in the prosecution of the task I have imposed on myself of studying the natural productions of a country yet unexplored, or in enterprises of general utility, under the impulse of modern ideas of the habits of this profession.

Notwithstanding that my proposals have been heretofore looked upon with indifference, I do not believe this to have been the fault of preceding forms of government; I think that it has depended more on the individuals in power, although otherwise competent, for on other occasions they have expedited briefly and advantageously some business that seemed to be more arduous. The advantages of my proposals are dear and highly important for the good of the nation, as well as of every one of its citizens and inhabitants, and of society in general. If my proposals have not been looked at in this light, it is because a cloud has been interposed or the matter has been seen through a false prism, because it is mine, although it is more the nation's interest than mine.

My memorial on guano was pending in the last Congress at the close of its sessions, and ordered to be acted upon, with the report of the committee, embracing both proposals, separately, but united in said report, though each one of them referred to different subjects, as will be seen.

One thing is the first discovery of the properties of guano, recognized at present in all the markets of the world, and its increased demand in proportion to its enhanced advantages; and another the discovery, now offered, of the process of converting the nitrate of soda into nitrate of potash. Which one of them is more advantageous to Peru I dare not dogmatically decide, because either of them is susceptible of an indefinite development, the one, seemingly the less important, being destined to make Peru, by her inland products, the great gunpowder mart among foreign nations—a fact which I will delay in proving only as long as the government will in demanding it. I lay aside the consideration that this article is of paramount necessity for the safety and dignity of the Peruvian nation, as well as for the opening of roads and canals, and for developing the working of mines in order to bring out those masses of precious metals so abundantly found in the bosom of those proud mountains of Cordillera—a fact which is plainly announced by their outward appearance.

The proof of my good faith appears in the revelation of the advantages of guano, and this has been followed by an ominous silence, paralyzing the efforts of a foreigner who proposes to discover national riches which are hidden from the eyes of the inhabitants of the country. I have often, though vainly, tried to recover the memorial on guano which remains in the minister of war's office, in order to make use of it. Congress will be pleased to ask for it, with the corresponding report and the note of urgency, in order that, as on the preceding instance, it may take some action on my aforesaid proposals.

Sir, I have traveled for more than fourteen years over this country, not without deriving some advantages for the industry, as is the case with many who travel at the expense of governments and societies, devoted to the higher sciences, and with the purpose of gathering specimens of natural curiosities for the collections of natural history, but carrying with me, at my own expense, the necessary implements wherewith to examine and recognize the different kinds of natural products, and to ascertain whether they could be useful to the arts and to commerce. In order to prove what I say, as well as my devotion to the natural sciences, I will take the liberty of referring to one of the many persons who closely have seen me at my explorations in the interior of the country. Such is Señor D. Pedro de la Quintana, a member of the chamber, whom I believe to be here at present.

In these researches, during my long and laborious travels, I have spent a capital which would have enabled me to live rather comfortably and decently in Europe. In its stead, I have ruined even my health; and, although I have run out of pecuniary resources to carry out thoroughly my observations and my essays, I believe, however, that among the natural products that I have examined, some will become articles of great importance and estimation in the commerce of exportation and in the arts, if I see the day when I shall have sufficient means to devote myself to labors of this nature with the calm and tranquillity which they require. I am not inclined to promise what I cannot substantiate, nor to expose myself to be treated as a visionary or a charlatan. I do not let myself be deluded, for I am always on my guard against a delusion. Notwithstanding that chemistry has exacted rules and processes, I repeat over and over again my operations and my analyses hundreds of times, if necessary, until I feel convinced that my discoveries are not dreams nor castles in the air, as is supposed, but a reality—a gift that Divine Providence gives the little ones—to be transmitted to mankind.

Permit me to speak to you with the freedom and sincerity I am accustomed to: The artificer and the discoverer of useful things should never be oppressed. They should rather be afforded a favorable position, if it is desired that their capabilities be developed, and that they become advantageous to all without injury to them. How many sublime discoveries have been buried with their discoverers, the latter having been unwilling to submit to tyrannical and humiliating conditions.

I should keep you on your guard against the enemies of the country and my own, who have done so much injury to the nation, thwarting my plans and my proposals up to this time.

If you desire to promote the welfare and the wealth of your country; if you wish to receive the blessings of your constituents; if you want to deserve the gratitude and esteem of the whole world; if, finally, you are willing that the Congress of 1851 be made famous, and your names be perpetuated to posterity, give my affair, now pending in your secretary's office, the preference and attention it deserves; not for my sake, but because it is demanded by your constitution; by your oath, and by your loyality to your constituents, who have intrusted you with the nation's prosperity. Taking as your guide the interests of the country, do impartial and equitable justice to him who offers you so many advantages, and is willing to enhance your power; otherwise, everything will be frustrated. If you add conditions to those I accept at present, as tending to your good and mine, you will discourage me. I will forever give up the hope of having the glory of seeing my projects realized, and to receive the indemnity and recompense for my heavy outlay, wakefulness, time, and assiduous labors. I therefore inform you that I will, for the last time, call your attention to the reasons I have stated. My

health is broken, and does not permit me to delay or remain in the country, if, finally you do not admit me, for what object could detain me here when I am certain that, carrying my knowledge elsewhere, I shall soon secure a fortune and the satisfaction of seeing my labors justly appreciated.

The administrations of the government have been changed in the course of these years, and I do not believe that the policy of burying my inventions and proposals will be continued by the incumbent now in the presidential chair; and Congress having been partly renewed this year, this circumstance has led me to make this exposition more prolix in order to give a more complete information.

ALEJANDRO COCHET.

REFUTATION OF SEÑOR RIVERA'S NOTE.

MOST EXCELLENT SIR: Don Alejandro Cochet, a French citizen, and a resident here, to your excellence respectfully states as follows: I never believed I should see myself in the necessity of refuting the note of the chargé d'affaires to P. H. B. M. (which was attached to my process), relative to my communications. These had been referred to him in order to ascertain whether my discovery of the process of converting the base of nitrate of soda into nitrate of potash had been made in Europe, as was affirmed in an apochryphal letter, maliciously published in the newspapers of this capital, three years ago, on the eve of concluding the contract for the sale of my secret to the government. I did not believe, I repeat, in the necessity of a refutation, for the note is only a heap of absurdities and contradictions.

I presumed that the contents of my process were more than sufficient to destroy all doubts, and the obstacles they might throw on my projects. On the one hand, I cannot help wondering at the manner in which the note itself appeared at the minister's office, also on the days in which General Castilla had decided again to make the acquisition of my secret; and on the other, I have been informed that this document is producing its injurious effects against my project, for the simple reason that a chargé d'affaires shall be believed more than I, in the absence of chemical knowledge, to judge correctly on the subject; so I see myself in the unpleasant necessity of saying what I would like to withhold. But both my honor and my interests compel me to make the painful sacrifice of my inmost sentiments.

It seems, most excellent sir, either that I have not been understood in regard to the essential objects of my proposal, or that I have not been able to give a clear explanation; I beg leave, above all, to assure you that I find it hard to believe that the note or report attributed to the chargé d'affaires comes from the party whose name it bears—a name which I consider respectable, and which, for this reason, is used by enemies to thwart the enterprise, and bury in its cradle this great discovery.

The note of Señor Rivera says that my secret is known in Europe. In my memorial I do not claim to be the discoverer of the process of changing the base of nitrate of soda, because all chemists know that not only the bases of all the nitrates can be changed, but also those of all other salts, whenever other bases are presented that have more affinity with their acids. I never denied that an operation equal to mine could be made in Europe or elsewhere, either with home or foreign materials, for I know that, since the discovery of nitrate of soda, this transmutation has been obtained both here and in Europe, giving as a result a superior quality of nitrate of potash. There are public and evident facts which, although they appear to be unknown to Señor Rivera, are proved by the report of the subdirector of the powder-factory of this capital, Don Simeon de la Rosa, to which I refer in my memoir on nitrate of potash, filed in the process on the matter. And if my assertion concerning these facts is there justified, not less are verified the ruinous results of the undertaking engaged in by the contractors of the aforesaid factory in order to work out that transmutation. Relying on a method of changing the mentioned base, bought from a German naturalist sent by the court of Spain, they were compelled to abandon their work, as is shown, being convinced, after losing $200,000, that the cost of the operation was exceedingly great. The same has been corroborated by the mentioned subdirector, who, operating by the same method, which he holds, written in the hand of said chemist and naturalist, asserted that the nitrate of potash was obtained from the nitrate of soda of Tarapaca at a cost of 79 pesos 3½ reals per quintal (100 pounds). This was the confession of said Señor La Rosa, in his report of September 11, 1829, to the commandante-general of artillery (it has also been copied in said memoir), giving an account of the results of the experiments which the government resolved to make at that time, being pressed by the scarcity of that article. The same thing has also happened in Europe, where, encountering always the same obstacles, they have likewise given up the fabrication as often as it has been undertaken, not by reason of the bad quality of the nitrate produced, but for want of cheap materials to obtain the same results. This is the great problem solved in two words; this is the difficult point made clear, It is the discovery of suitable materials for said transmutation which has been accomplished by me on this favored land—materials whose existence and application has heretofore

been unknown. I repeat, and will repeat it a thousand times, the sole revelation of their existence and their properties is not paid with a million of dollars, considering the incalculable advantages accruing to the nation from their discovery.

Notwithstanding this clear and true statement, who would believe that there is still in this capital a person (easily to be recognized, without being a physiognomist, by the remorse for his depraved acts clearly revealed on his countenance)—a person who has this very day the audacity and the effrontery to carry a book on chemistry under his arm, in order to persuade that the secret of converting the base of the nitrate of soda into nitrate of potash is already known, and that, consequently, I pretend to deceive the government? Wicked man! what matters whether the result is produced, if it is not obtained by the same means which I offer or by others with an equal economy? Is, peradventure, the transmutation the point of the secret? And even it were discovered—an event which shall not take place for centuries—are not the materials the exclusive property of Peru?

What shall the country do with these prime materials which she possesses in inexhaustible quantities, for the manufacture of nitrate of potash, if there is nobody to know them nor how to utilize them for this purpose? It is strange that that wretch, who has been for so many years persecuting me and depriving the nation of this source of wealth by all means at his command—it is strange, I say, that this man, who pretends to be a naturalist, a chemist, and a great general of the empire, does not present the same materials and the same advantages I offer, but only in its stead the base and villainous maneuvers which he has employed heretofore in order to surprise the good faith and credulity of his hearers. Here is the point of the difficulty, and as long as he does not overcome it—a result he has not been able to accomplish up to this time, notwithstanding that since the announcement of my discovery he is endeavoring to do it, both here and in Europe in order to indemnify himself for the abrogation of the famous guano contract—as long, I repeat, as he does not overcome this obstacle, the supreme government should look with contempt upon his machinations, and should not prolong the long period in which he has succeeded, thereby to deprive the nation of so immense and easily-to-be-got resources.

Your excellence will excuse this passionate digression to which I have been involuntary driven by the acrimony engendered by the gratuitous persecutions of a man upon whom I was once willing to bestow great benefits. Believe me, your excellence, he, and nobody else, has been the principal cause of this failure on the part of your predecessors to hear or heed me; and, although he perseveres yet in his headlong purpose, I have this time a presentment that your excellence, penetrating into his plots, will know how to defeat his plans. All my hopes rest now on the eminent character of your excellence. I consider it as the key which will open to the Peruvian nation the gates to that and other sources of wealth that your predecessors declined to touch. I entertain no doubt that to your excellence has been reserved the glory of raising Peru to the highest plane of opulence to be desired by any nation.

Continuing my exposition, I hereby insist that my aim has been to secure two advantages: The one is not to be dependent on any foreign materials, for Peru has them in her sod in unfailing abundance; the other, to bring down to the lowest point the cost of producing a nitrate equal to the best heretofore known in the world; adding at the same time that no nation shall be able to produce it more economically, not excepting even North America and Russia, which are the principal markets for potash.

It remains yet for me to say, in reply to Señor Rivera (if the report is his, for I rather think it comes from one of his amanuenses), that as regards the assertion that potash is extracted from marine substances, it is a gross error, as only soda can be extracted from said materials. As regards the impossibility, contrary to my assertion, of completely separating the soda and the nitrate of soda from the nitrate of potash, this is a grosser error yet; for these substances being, as he says, liquescent, the rest of them can be easily separated by the simple process of crystallization; since the nitrate of potash is less soluble and the others can only subsist on the surface. This method was adopted in France to refine it more than sixty years ago.

The report affirmed, moreover, that said liquescent salts are inseparable from the nitrate of potash, and that therefore the gunpowder manufactured with it must be used the same day, by reason of its affinity with atmospheric humidity, which renders it unfit for later use. But if I present the nitrate manufactured by my method with materials different from those he mentions, and as pure as the most transparent crystal or the finest gold and silver, and consequently free of the liquescent salts he named, or any other extraneous matter, it is evident that besides destroying his assertion with an incontestable fact, it can be clearly inferred from its own report that my discovery was not known in Europe, and that my saltpeter, already in this state, must equal in quality the best produced by any other method. I can therefore assure that the gunpowder made with it shall be of unsurpassable quality, and with this conviction I have offered in my memorial to send myself (suggesting that the government should do the same) to the Institute of London and of Paris a quantity of my nitrate

for the purpose of having their learned members judge of its merits, and decide this matter. The same action can also be taken with the same purpose in the Exhibition of Prizes.

The same reports assert, finally, that besides the fact that the nitrate of potash obtained by the transmutation is of inferior quality, it should be called *artificial*. Alas! most excellent sir, I call your excellencie's attention to the point, in order that you may see and be convinced that such a report has been got up with evident intention of defeating my discovery, making my nitrate appear, according to the vulgar saying, as "bewitchment" (hechizo), in order to cast upon it suspicion and contempt.

It is plain that in expressing himself in this manner, the author of the document has committed a gross and unpardonable error as a chemist, or else he has been prompted by the malign purpose of doing an injury. This is the more scandalous that nobody, however short-sighted, will dare to deny that the nitrate of soda of Tarapaca is a natural nitrate, and if this is natural, mine must necessarily be also the same.

The nitrification of that one is the work of nature, and the operation of utilizing it being reduced only to the changing of its base, it is inconceivable that a chemist may ignore this fact or pretend to rest on it to qualify said nitrate as an artificial product. Well, then, if the author of said note gives the name of *artificial* to the nitrate obtained by transmutation, why does he not give the same name to the European nitrate, which, according to its origin, might with great reason be called thus? The greater portion of the nitrate there manufactured is really artificial, if we except that obtained by the demolition of houses; for there is not a European nation that has not her artificial saltpeter works. The person to whom the report is attributed must be aware of this fact, if not from ocular observations, at least from his perusal of chemical works; all of these refer to said saltpeter works, and mention the fact that the only natural nitrate of potash known is a product of India or the coasts of Peru.

My moderation and my respect for the government prompt me to abstain from refuting the rest of the report; it is sufficient to say that the extravagant statements it contains, convince me more and more that its author is not the person to whom it is attributed. I know Señor Rivera, and, if I am not mistaken, I think I know the extent of his knowledge on the matter enough not to insult him with the belief that he is the author of such production. Now, most excellent sir, that the field has been somewhat cleared of difficulties, in case your excellence judge it convenient to commence to take some action on this interesting case, and tear once for all the thick veil with which an evil genius has covered my discovery, I send to your excellence, according to my proposal of contract, two boxes of the nitrate of potash, whose utilization I promise to show, said nitrate having been manufactured by me out of the nitrate of soda of Tarapaca. Your excellence will please keep one of those boxes and have the other delivered to me, sealed with the seals of the state and those of the consulate of my nation. Your excellence will please have the box you may select examined by professional persons, and submitted to all the tests you may think proper. If, after the most rigorous examinations, your excellence is satisfied, I will be ready to enter into the contract, and will proceed to teach my method. If there should unexpectedly arise any doubts as to the sameness between the nitrate of potash I shall have taught to produce and that of the sample, the sealed box shall be opened and the competent persons that may be appointed shall publicly, and in my presence, make a comparative examination. If, after this, some doubt should be yet entertained as to the identity of the two articles, both shall be sent, as suggested before, to the Academy of London and of Paris for the purpose referred to.

If all these proofs, to which I submit spontaneously, should not be sufficient to convince and make evident my discovery and my good faith, it will be stipulated then that the nitrate produced by my method shall be compared with the best produced in Europe, Asia, Africa, America, and Australia, because, as I have said, chemistry only recognizes one nitrate of potash, and this science has rules to determine, by means of essays, its purity and its value, a point which the mentioned academicians shall decide.

It is really incomprehensible that proposals, such as mine, from which the government, far from risking anything, shall derive millions on millions for centuries to come, have not been accepted for such a long time. This leads the most incredulous to admit that this affair has been hostilized by men who have a ready command of the magic arts, or rather of recreative physics, which indeed ceases to be recreative from the moment it is used for their profit and to the prejudice of society. To your excellence belongs now the duty of investigating who are the authors of the opposition I have encountered for the last ten years and of the machinations skillfully employed to defeat my proposals and to thwart the desire the government itself, and even the national representation, had at different times of accepting them. This in order that your excellence may be on your guard against their plots and intrigues, and that the nation may not be defrauded this time of the wealth I offer her.

Lastly, most excellent sir, my object in soliciting that this case may be, as soon as possible, taken into consideration by the chambers, is to take advange of all the time

of the extraordinary and ordinary congress in order to present other discoveries of equal magnitude and of no less importance to the goverment and to the nation; therefore,

To your excellence I pray that he be pleased to give his attentive consideration to this petition, requesting that it be filed with my previous application, and upon which your excellence will resolve what he may deem proper.

ALEJANDRO COCHET.

LIMA, May 28, 1851.

[Private. Return to Jacob R. Shipherd, 10 Spruce street, New York.]

THE PERUVIAN COMPANY.

CHAIN OF TITLE.

The sole heir of Cochet—who died instestate—was a natural son of Gelacio (who inherits under Peruvian law), and of him the present owners of this claim made direct purchase; the assignment to the Peruvian Company will be made by these purchasers, and the entire chain of title will include but two links. Detailed and original proofs of all the facts material to the validity, value, and title of the claim are ready for examination at the proper time by such counsel as subscribers to the stock may designate, and no room for doubt as to any question of fact will be left.

The formal parts of the conveyance by the heir are next given:

The undersigned, Don ——— ———, a native of the United States of North America, on the one part, and Don Gelacio Cochet, native of Peru, on the other, both of them residing in this city, have made an agreement, which is hereafter expressed.

"1st. That having understood that Señor Gelacio Cochet could prove his title to be declared judicially the natural son of the deceased Don Alexandro Cochet, and as such to be acknowledged by the tribunals of Peru as having right to the premiums which may have been awarded or may in future be awarded in favor of the said deceased and of his legal heirs; that these premiums result from the important discoveries made by the said Mr. Cochet's father relative to the use and application of the guano as manure for agriculture in foreign countries.

"2d. That seeing Mr. ——— ——— ready to practice all the needed measures to prove these rights, which will cause great outlays of money, as also an indefinite length of time before the matter is cleared, both parties, led by a mutual interest, have agreed, the one to sell, the other to buy the said rights yet inconclusive, and to be disclosed with the object of forming the demand which will have to be made to the supreme Government of Peru for the value of the premiums on the before-mentioned discoveries of the use and application of guano.

"Therefore, Don Gelacio Cochet, in consideration of the sum which will be mentioned further, sells and makes over unto Don ——— ———, in perpetuity the title and rights which he may acquire as the legal heir of Don Alexandro Cochet to the premiums which the Government of Peru may assign to the said Cochet in conformity with article the first of this agreement, Gelacio Cochet binding himself to prove by means of the corresponding judiciary inscriptive of affiliation to be the true natural son of Mr. Alexandro Cochet, discoverer of the properties and applications of the guano, which is not a hindrance to the ends of the present agreement for Mr. ——— ———, to recognize him as such, in order to proceed to establish the claim which will give him a legal character. Moreover, Mr. Cochet binds himself to confer on Mr. ——— ———, if necessary, a power of attorney in full legal form, so he can make his claims and demand of the case before the corresponding authorities, and also not to give a power to any other person in representative declaring the right of succession to the will of Mr. Alexandro Cochet, free of all compromise, donation, mortgage, or any other charge whatever on its part.

"Don ——— ——— on his part binds himself to pay all the expenses, and perform all the demands which may give for result the declaratory of Don Gelacio Cochet as natural acknowledged son of the deceased Don Alexandro, and to establish all the necessary reclamations to obtain the payment of the premiums that the supreme government may have assigned, or hereafter may assign, to the heirs of Don Alexandro Cochet, as discoverer of the uses and application of the Peruvian guano; and, moreover, he binds himself to give the said Cochet, in payment of the purchase he now makes of the inconclusive rights, the sum of ———, in current coin, be what it may the amount of premium which he might be indemnified with by the Peruvian Government, said sum to be delivered to Cochet at the same moment that he may receive it from the said government, whether it be by means of a compromise, a transaction with

it, or by means of a diplomatic reclamation established to the purpose. And if the sum exceeds ——— soles Mr. ——— ——— binds himself to increase the amount to ——— soles more, above the said ———, all expenses and charges having to be made until the payment is obtained of the said premiums inherited to be on his Mr. ——— ———'s account.

"It is distinctly declared that for reason of Cochet's legal right to be considered the heir of Don Alexandro Cochet not being perfected it has been agreed in good faith to make this sale and purchase in a provisional manner; meanwhile the steps are taken to install him in the said character. Both parties binding themselves to respect the present as valid and in force, the same as if it had been by a notary public. Binding themselves both to carry the same to a national document as soon as Cochet is admitted to the rights of a natural and recognized son of Don Alexandro Cochet, and they sign the same before the witnesses undersigned, at Lima, on the thirteenth day of July, eighteen hundred and seventy-nine.

"GELACIO COCHET.

"Witnesses:

"JUAN WILLIAMSON.

"J. THÉOPHILE LANDREAU."

Natarial power of Attorney.—Don Gelacio Cochet to Don ——— ———.

"At Lima, on the seventh of August, one thousand eight hundred and seventy-nine (1879).

"Before me the notary and witnesses, appeared Don Gelacio Cochet, a native and a neighbor of this city, of full age, a painter, and intelligent in the Spanish language, whom I know and warrant, and said:

"That he confers to Don ——— ——— a power of attorney referrent to the minutes hereafter expressed.

"Mr. NOTARY PUBLIC: Please order that in your register of public grants, a genera and full power which I, Gelacio Cochet, a native and a neighbor of this capital, of state single, by profession a painter, and of full age, in full mind and capacity do grant. I bequath in favor of Señor Don ——— ———, actually residing in this city and a native of the United States, married and a merchant by profession, so that he, in my name and representative of my person in its rights and actions, take charge and demand on my account and excute the claims that I have to make on the supreme Government of Peru for the value of the premiums awarded to my father, Don Alexandro Cochet for the discovery and revelations made by him relative to the properties, value, utility, and employment of the guano in the agriculture of the European countries, revelations made prior to the negotiations verified by the supreme government in said article, and which service was duly acknowledged by Congress, but not indemnified at the time, and which now belong to me as the *only son* and *legal heir*. *Therefore*, I *confer* unto Señor ——— ———, the most *ample power* to the effect and with the character of exclusive and irrevocable, so that he may establish all convenient claims on the supreme Government of Peru and before all courts of justice which he may consider convenient.

"To demand, establish, and terminate suits, to hear and answer all expositions, receive information, demand testimonials, as much of witnesses as of documentary evidence, whether in foreign lands or within the republic.

"To propose and admit transactions, arrangements, and compromises, and in all to act with the ample powers which by this general power I confer unto him, moreover, that of substituting the same in part or in the whole, on the person or persons whom he may think convenient, having to himself all necessary amplitude so that he, 'whether it be for want of any condition, exception, or else,' be not wanting in validity, with resevation of costs in due form. Please insert and aggregate the clauses in style needed, to insure its validity.

"Lima, seventh of August, one thousand eight hundred and seventy-nine (1879).

GELACIO COCHET.

"Under the bases contained in the foregoing minutes, number nine hundred and seventy-eight (978), this power of attorney stands conferred according to the same. And I, the notary public, do assure and certify that I have complied with the articles, seven hundred and thirty-five (735) and following of the judicial code, and the bequeather well instructed of its contents, he ratifies the same and signs together with the witnesses. .

"Don Manuel Haya, Don Marcelo Vallessos y Don Francisco de Meontestrugue, of this city; Gelacio Cochet, Manuel Ma Haya, Marcelo Valleso, Francisco de Montestrugue. Before me,

"FELIX SOTOMAYOR,
Notary Public.

"Presented before me and is registered at folio six hundred and fifty (650) and following of my register. To which I certify and sign this testimony, after it having been corrected according to law, the day of its being granted."

Power of Attorney No. 1482.—*Mr. Gelacio Cochet—Mr.* ——— ———.

"At Lima, on the 19th of August, eighteen hundred and seventy-nine, before me the notary and witnesses, appeared Mr. Gelacio Cochet, a native and neighbor of this capital, of full age, well instructed in the Spanish language, and whom I declare I know, who says: That under guarantee of Messrs. Mariano de los Rios, José A. Garcia y Mariano Solas of he being a son of A. Cochet, who also know him personally, he confers on Don ——— ———, the 'power of attorney' referred to in the minutes, which, with the certificate of his birth, is as follows:

"'*Partida.* The undersigned curate, rector, of the parochial of the sagrario of the cathedral, * * * certifies that in my bound common paper book, entries of baptisms in which are made, which begins in eighteen hundred and forty-one (1841), and ends in eighteen hundred and forty-eight (1848), at page 190, there is an entry which says as follows:

"'PARTIDA.

"'In the city of Lima, capital of the Republic of Peru, on the thirtieth of May, eighteen hundred and forty-five (1845), the Presbitero Don Gregoria Balenzo, a lieutenant of the curate, rectors of the sagrario of the cathedral, solemnly baptized and put Oleo and Crisma to Gelacio of one year old, natural son of Alexandro Cochet; Don Mariano Camacho being his godfather.

"'DON JOSÉ PALOMINO.

"'Witnesses:

"'ANDRES LEON.

"'BALTAZAR LUGONES.

"'To which I certify.

"'JUAN DE DROS CARDENAS.'"

[A rubricated sign.]

"It is in conformity with the matriz, to which the undersigned refers if necessary, and delivers the present at the verbal request of the party.

"At Lima, fifth of August, eighteen hundred and seventy-nine (1879).

"Doctor ANDRES TOVAR, *Señor Secretario Sirvare:*

"MR. SECRETARY: Please to enter in your register of public documents a special power of attorney which I, Gelacio Cochet, of this neighborhood, son of the French citizen, Mr. Alexandro Cochet, confer in favor of Señor Don ——— ———, a native and citizen of the United States of North America, so that in my name and in representation of my person, actions, and rights, may exact from the public authorities of France, and especially of the notaries public of Paris, the titles which contain the last desire and will of my said deceased father, Don Alexandro Cochet, according to information which I have received, and with the rights corresponding to me in virtue of the 'certificate of baptism' which I adjoin and which you will please to insert in the body of the present power of attorney, as more binding proof on granting the same. I wish, moreover, that it may have all necessary amplitude, so that my representative empowered can present himself before the French tribunals, and, if necessary, to make arrangements, settle accounts with debtors and creditors and others interested and connected with the testamentary dispositions of my said deceased father, Don Alexandro Cochet, and so that for want of conditions or expressions may not have the legal force, with, moreover, the power of substituting the person or persons he may judge convenient, with relevation of costs in due form. You will please add the clauses of style which insure its validity.

"Lima, eighteenth of August, eighteen hundred and seventy-nine.

"GELACIO COCHET."

"Under the bases contained in the preceding minutes, number nine hundred and ninety-two (992), this power of attorney is conferred with relevation of charges. And I, the notary public, certify that I have complied with articles 735 and following of the judiciary civil code, and that the grantor on granting the same is well posted in its contents, and ratifies and signs the same with the witnesses, Don Mariano de los

Rios, Don José A. Garcia y Don Mariano de Solas, of this neighborhood, whom I also know, Gelacio Cochet, Mariano de los Rios, José A. Garcia, y Mariano de Solas.

"Before me,

"FELIX SOTOMAYOR,
"*Notary Public.*

"In conformity with the original done before me, which is on the six hundred and sixty-eighth (668) page of my register, to which I refer.

"I certify and sign this testimony after having been corrected according to law. Date of power.

"We, the public notaries who sign, certify that the said companion notary who signs, Don Felix Sotomayor, is in full exercise of his functions, and in order that it may have all its effects, we sign the present.

"FELIX VIVANEO.

"Legalized in the Department of the Prefecture, at Lima, 27th August, 1879."

(French legalization.)

Pursuant to this last power of attorney a deputy was sent to Paris to verify the death, intestacy, and solvency of Alexandre Cochet, which he thoroughly did; paying in full the only indebtednes remaining—a sum of something less than 500 francs—and ascertaining from the surviving companions of Cochet's last years many facts corroborative of all that was otherwise already known material to his discoveries and to the sole heirship of his son, Gelacio.

[Private draft memorandnm. Return to Jacob R. Shipherd, 10 Spruce street, New York.]

THE PERUVIAN COMPANY.

SUGGESTIONS OF POINTS TO BE INCLUDED IN AN AGREEMENT BETWEEN THE GOVERNMENT OF PERU AND THE PERUVIAN COMPANY.

I.—The government to stipulate:

First. That in 1840 Alexandre Cochet discovered guano within the meaning of the decree of February 13, 1833.

Second. That the Congressional and Executive acts and declarations of 1847, 1849, and 1851 mean this.

Third. That this meaning has never been denied or questioned by the government heretofore, and shall not be denied or questioned hereafter.

Fourth. That Cochet's discovery immediately vested in him a complete title to one-third of all the guano in original deposits in Peru, and that such title was a title to one-third of each separate deposit.

Fifth. That the removal of Cochet's one-third of each deposit by the government, or by its agents, was a tortious conversion, for which Peru, as a responsible agent, is bound to make amends to the owner.

Sixth. That the measure of damages in the premises cannot be less than the value of the converted property at the time of its conversion with interest at six per cent.

Seventh. That the agreed total of these damages, including interest to January 1, 1881, is $900,000,000.

Eighth. That this total shall be capitalized as of that day, and shall bear interest at six per cent. until paid.

Ninth. That payments hereafter made shall be applied first to meet accrued interest, and afterward to reduce the principal.

Tenth. That under the law of contracts of 1845 this indebtedness to Cochet is entitled to prirority over any debt contracted by the government after the passage of that law. Also that all contract obligations created against the government after that date, which might antagonize this priority, must be subordinated to it.

Eleventh. That no payment on account of the indebtedness of the government to Cochet has ever been made, although a grant of 5,000 tons guano in his favor on account of his expenses was once authorized.

And that there is, therefore, now due to Cochet and his legal representatives—

1. The sum of $900,000,000 liquidated damages with interest at six per cent. from January 1, 1881, until paid.

2. One-third of all the guano remaining in Peru in original deposits at the date hereof.

3. The value of one-third of all the guano taken from original deposits in Peru between January 1, 1881, and the date hereof, with interest at six per cent. until paid.

Twelfth. That all the rights of Alexandre Cochet in the premises have been duly transferred to, and are now vested in the Peruvian Company, party herein.

Thirteenth. The government, therefore hereby recognizes, and formally acknowledges, its direct indebtedness in the premises to the Peruvian Company—

1. In the sum of $900,000,000 with interest at six per cent. from January 1, 1881, until paid; and this sum is admitted to be due and payable in full before any indebtedness created prior to the passage of the law of contracts of 1845.

2. In the value of one-third of all guano taken from original deposits in Peru, since the first day of January, 1881, with interest at six per cent. until paid.

Fourteenth. The government also acknowledges the Peruvian Company to be the owner absolute, with title complete in Cochet and his legal representatives since 1840, of one-third of all the guano remaining in the original deposits in Peru, with a perpetual easement of approach and right of access thereto, over all lands and waters since 1840 at any time within the territory of Peru, and the free and unhindered right to hold, use, sell, assign, and take the same and every part thereof, away at the company's discretion without let, hindrance, impost, taxation, charge, or condition of any kind.

Fifteenth. And, whereas, the government is now unable to pay or discharge this large indebtedness or any considerable portion thereof, and by the misfortunes of war is otherwise disabled for the time being, the government cannot now refuse its chief creditor any access to the resources of the country, out of which payment might be made under a just administration directed by the creditor.

Sixteenth. Yielding to the just demands of all interests concerned in the premises, and in the hope that the remaining deposits of guano and nitrate may suffice for the discharge of all its indebtedness under proper administration, the government hereby acquiesces in the proposal of its chief creditor, made in its own behalf and in the interest and behalf of all creditors of the government whose express agent it may in due course hereafter become, to take immediate possession of all original deposits of guano and nitrate which were within the territory of Peru January 1, 1881, and to take such possession of all adjacent lands and waters as may be necessary or convenient to the mining and removal of such deposits, such possession of the deposits and use of adjoining lands and waters for the purposes of this agreement and the proper administration of the trust occupation hereby consented to, during the term of such occupation hereby limited, to be that of the lord of the soil; and the integrity of such possession the government hereby guarantees; the term of occupation to expire upon the full payment of the indebtedness herein recognized as already due, or which may hereafter become due to the Peruvian Company or to any other creditor whose agent or assign the company may hereafter become. The term of one year after such full payment to be allowed the company for the liquidation of its affairs and the withdrawal of its agents from the republic.

Seventeenth. In case the deposits of guano and nitrate shall be exhausted, or shall prove insufficient to pay the interest upon the capitalized indebtedness herein recognized, the company shall be at liberty to propose such other measures, amendatory of those herein agreed upon, as it may deem just in the premises.

Eighteenth. The government guarantees the personal liberty and safety of all officers, agents, servants, guards, and guests of the company within the republic, and recognizes in their favor an unqualified right of entry, residence, and departure at pleasure, subject always to the condition of personal good behavior, and the non-abuse of the national hospitality. Offenses against public order may upon demand of the company be adjudged and punished by an agreed tribunal, or in default of such agreement by the company itself.

Nineteenth. The government will never impose any taxation, direct or indirect, upon the company, nor upon its property or business, nor upon any of its officers, agents, guards, servants, or guests, their property or business; but it may require the company as to any individuals so exempted either to consent to such taxation as might otherwise be imposed under general laws, or else to credit to the government the amount thereof in account current as of the date when it would be due under the law. Such requirement must be duly notified to the company year by year, to be effective, and must include full specifications of the taxes required to be consented to or credited for the year then current.

Twentieth. The company may at its discretion maintain at all times such a force as it may deem necessary for the protection of its property and interests, and this force may include detachments from the land and naval forces of the United States of America and of any other government whose citizens are share-holders of the company, or are recognized creditors of Peru.

Twenty-first. The government consents to the transfer to the company by sale or other assignment of any indebtedness now existing or hereafter arising against the government, which has been duly recognized by the government as a valid claim, and

to the consolidation for the purposes of collection of any claim so transferred with the principal indebtedness herein recognized. Before the transfer of claims which have not been recognized the government reserves the right to demand their contest before and adjudication by arbitrators, or such other tribunal as may be agreed upon.

Twenty-second. The government necessarily consents to the deduction from the gross revenues arising from the working of the resources hereby placed at the command of its creditors, of all expenses of operation, administration, and defense, and demands that the net remainder of such revenues shall be passed to its credit by the company annually in account.

Twenty-third. The government engages to execute at any time hereafter upon request any further memoranda of recognition and definition necessary or convenient to the effectual fulfillment of this agreement according to its true intent.

II. The company to stipulate—

First. To make no demand for payment so long as this agreement shall be observed in good faith by the government and people of Peru, and the net revenue realized by the company under this agreement shall suffice to pay the interest annually accruing upon the entire indebtedness held by the company.

Second. To offer to all other just creditors of the government the company's certificates of indebtedness, bearing interest at not less than three per cent. for the par value, including accrued interest, of all recognized claims against the government existing on the day of the date hereof, and to provide for the annual retirement of such certificates by a sinking fund created by the reservation to its credit of not less than one-half of the entire annual net revenue of the company in excess of thirty millions of dollars.

Third. To deliver annually to the government a certified transcript of the results of the entire business of the company, clearly itemized, and showing in detail the state of the account current between the company and the government.

Fourth. To maintain toward the government and toward the people of Peru an attitude of sincere friendship and good-will, and to use all means to render its temporary residence within the republic not only inoffensive but useful.

Fifth. To enforce upon all its agents, servants, and representatives due respect to the government and institutions of the republic, and unhesitating obedience to its just laws.

Sixth. To maintain, and to enforce upon all its representatives a strict neutrality toward all political parties and interests, domestic and foreign, except only as the protection of the property interests of the company may otherwise require; and whenever such interests may demand the expression of a preference, such expression shall be made in the company's name, upon competent authorization, frankly and kindly.

Seventh. To co-operate heartily with the government and the people in all measures calculated to promote the early restoration of the prosperities of peace and order, and to forward the commercial and industrial development of the republic.

Eighth. To consolidate with the principal indebtedness herein recognized only such claims against Peru as have been duly certified or recognized by Congress or by executive officers of the government.

Ninth. To unite with the government in the measures necessary to an adjudication by arbitrators or by an agreed tribunal of all claims not so recognized in which the company may become interested.

MUTUAL COVENANTS.

First. That no tribunal shall ever have jurisdiction of this agreement or of any issue arising between the parties hereto, except by the prior express consent of both the parties.

Second. That each party shall maintain a resident representative near the executive of the other, duly accredited to such executive, and that the ordinary intercourse of the parties shall be maintained through these representatives according to diplomatic usage.

[Private draft memorandum. Return to Jacob R. Shipherd. 10 Spruce street, New York.]

THE PERUVIAN COMPANY.

PERUVIAN SINKING FUND SCRIP.

First. All recognized creditors to be invited to surrender their claims to the company (by assignment), and to receive in exchange the company's sinking fund scrip for the par face of the claim, including accrued interest to the date of exchange; this scrip to bear interest at four per cent. until paid.

Second. Scrip to be issued in even amounts of $1,000 and multiples thereof, also in any desired fractional amounts, and to be transferable at the holder's election, either by delivery or by registration, and to be payable at the company's principal treasury, in New York, July 1st, 1883, and annually thereafter.

Third. Chili to be recognized among the creditors of Peru, for such a reasonable amount as may be agreed upon between her and the company, and to accept her allottment of scrip in full of all demands against Peru.

Fourth. The company will prefer its share-holders to the extent of three per cent. upon a fixed capitalization of $1,000,000,000 and will pay annually on the first day of April—beginning with 1883—one-half its net income above such three per cent. to the credit of the commissioners of the sinking fund.

Fifth. On the 1st of April, 1883, and annually thereafter, the commissioners of the sinking fund will notify the governments of the United States, Great Britain, France, Germany, Italy, Chili, and Peru, and also the presidents of the leading stock exchanges in each of these countries, and, by advertisement for not less than one month in at least one leading paper in each of these countries, will notify whom it may concern, and by circular through the post will notify separately every registered holder of scrip, of the amount to their credit for the year applicable to the redemption of the company's scrip, and of the time when, the place where, and the terms upon which proposals for the sale of scrip will be received.

Sixth. Such proposals shall be addressed to the "commissioners of the sinking fund of the Peruvian Company," at the company's principal office, in the city of New York, and shall be accompanied with a guarantee draft on New York bankers for five per cent. of the flat face amount of scrip offered by each bidder, payable to the order of the commissioners, to be returned to the bidder immediately after the adjustment of awards.

Seventh. Each bidder shall state the flat face amount of scrip he is prepared to deliver if his bid shall be accepted, and the fixed per cent. of its gross face value, including interest, he is content to receive in full payment therefor; no bids in excess of 100 per cent. to be considered or accepted at any time.

Eighth. The commissioners shall consider in each year only such bids as conform to these specifications, and are received by them on or before the first day of July in that year. On the second day of July, 1883, and annually thereafter—except when this day shall fall upon a Sunday, and in such year upon the third day of July—at noon, the commissioners shall meet in open session at the company's principal office, in New York, and in the presence of any bidders who may choose to be present in person or by duly accredited attorney, shall open, read, and tabulate the proposals received, and immediately upon the conclusion of such tabulation shall award and declare in favor of the lowest bidders a purchase of so much of the scrip offered as the fund at their disposal will suffice to pay for; and the details of such award shall be officially communicated within ten days thereafter to whom it may concern by circular through the post and by advertisement.

Ninth. Payment for scrip awarded will be made by the company's treasurer only upon the certificate of the commissioners.

Tenth. Guarantee checks of successful bidders will be forfeited unless the scrip offered by them shall be presented for redemption within sixty days after the declaration of award. Neither the company nor the commissioners will guarantee the delivery of the notice of award.

Eleventh. With each lot of scrip presented for redemption the bidder must tender a proper release under seal—upon forms to be supplied by the company—setting forth his acceptance of the amount awarded as payment in full.

Twelfth. Interest upon accepted scrip will cease upon the day of award.

Thirteenth. There shall be five commissioners of the sinking fund, who will be paid by the company out of the sinking fund; of these one at least shall be named by the company, and of the others one may be nominated by the Government of Peru, one by the Government of Chili, one by the Government of Great Britain, and one by the Government of France; such nominations to be made annually to the company, and to be subject to its approval and appointment.

Fourteenth. These conditions to be printed upon and to form part of the company's agreement with the holder of each certificate of scrip.

No. 414.

Personal.] *Mr. Walker Blaine to Mr. Shipherd.*

DEPARTMENT OF STATE,
Washington, July 28, 1881.

DEAR SIR: I am just in receipt of your pleasant letter of the 27th instant. With reference to the whereabouts of Mr. Suarez, I have to inform you that the Department has learned that Mr. Suarez was at Panama on the 13th of July, and that he intended sailing that day for Peru, and it is supposed did so.

In regard to the other inquiries in your letter I cannot make answer until after consultation with the Secretary.

I will communicate with you further hereafter, and have meanwhile the honor to be, sir,

Very respectfully, &c.,

WALKER BLAINE.

JACOB R. SHIPHERD, Esq.,
New York City.

No. 415.

Mr. Shipherd to Mr. Blaine.

THE PERUVIAN COMPANY, 10 SPRUCE STREET,
New York, October 10, 1881. (Received October 11.)

SIR: I have the honor to inclose herewith—

1. A printed and sealed official copy of a note addressed to the Hon. J. F. Elmore, minister resident of Peru at Washington, bearing date October 1, 1881, and subscribed by the undersigned.

2. A like copy of a note addressed to the Hon. Marcial Martinez, envoy extraordinary and minister plenipotentiary of Chili at Washington, bearing date October 5, 1881, and subscribed by the undersigned.

The originals hereof are to-day delivered to the * * * counsel of this company at Washington, for immediate transmittal to the respective addresses, and I have therefore the honor to ask that these copies may be placed on file in the Department, and that I may be duly advised that they have been so placed.

I have, &c.,

JACOB R. SHIPHERD,
President of the Peruvian Company.

[Inclosure 1 in Mr. Shipherd's letter of October 10, 1881.]

(Official copy.)

SIR: I am charged with the duty of bringing to the official notice of your excellency the fact that one-third of all the guano lying in original deposits within the territory of Peru on the first day of January, 1841, is now, and for some time past has been, the property of the Peruvian Company, a corporation created by one of the United States, and composed exclusively of American citizens, whose title has duly descended from Alexander Cochet, duly adjudged to have been the first and true discoverer of guano in Peru, and in whom the fee absolute to such one-third was duly vested by the republic by operation of law.

I am therefore further charged to demand, as I now do, in behalf of this owner, due recognition by the existing government of all the rights of the Peruvian Company in the premises as such owner, and the formal release in its favor of all custody, control, claim, and assertion adverse to the title herein asserted, so far as the government and people of Peru are or may be concerned.

I am further charged to demand, as I now do, payment in full, with interest from the date of removal, for so much of the property hereby demanded as may not be found in the place of original deposit when the Government of Peru shall attest the release herein above demanded.

And, in view of the temporary embarrassments of Peru, I am further charged to protest, as I now do, against any and all negotiations and acts tending toward the cession, sale, lease, hypothecation, or other incumbrance or disposition of any property held, owned, or controlled by Peru pending the full satisfaction of the demands herein made and intended.

A copy of this notice and demand will be delivered to the honorable the Secretary of State, at Washington, and a duplicate is herewith inclosed for transmission at your official discretion to His Excellency the President of Peru.

I shall be pleased to supply to His Excellency the President of Peru, upon due request, any further information appropriate to the premises, including all necessary evidences of the title herein asserted, and to designate a commissioner duly authorized to represent the owner in the immediate custody and control of the property hereby demanded.

In conclusion, I beg your excellency to receive due assurance of the distinguished consideration with which I have the honor to remain—

Your excellency's obedient servant,

JACOB R. SHIPHERD,
President of the Peruvian Company.

Dated NEW YORK, *October* 1, 1881.

To His Excellency the Honorable J. F. ELMORE,
Minister of Peru, resident at Washington, D. C.

[Incoslure 2 in Mr. Shipherd's letter of October 10, 1881.]

(Official copy.)

SIR: I have the honor to inclose herewith a copy of a communication heretofore addressed and delivered to his excellency the minister of Peru, resident at Washington. I add also another copy of the inclosure and a copy of this note to be forwarded, at your official discretion, to His Excellency the President of Chili. A further copy of this note will be delivered to the honorable the Secretary of State at Washington.

The immediate and sincerely friendly purpose of this note is to spare the Government of Chili the serious embarrassment which would necessarily follow if the representatives of Chili now in Peru should continue to deal, however inadvertently, with the property of citizens of the United States, as if it were the property of Peru.

And hereupon I am authorized to assure your excellency in no doubtful terms of the readiness of the Peruvian Company to recognize every fact involved in the actual status resulting under the rules of war among civilized nations, from the campaign of Chili now closing, reserving only those indestructible rights of neutrals which even war must recognize and protect.

It is believed that so far from embarrassing or delaying the conclusion of a peace honorable alike to victor and vanquished, and just to all interests to be affected by the adjustment so much desired and as yet so vainly sought, the interests which I have the honor to represent may be so circumstanced as to afford to all parties an immediate and final solution of all urgent problems, and especially may afford the most efficient and substantial guarantees of a long period of peace and prosperity in the immediate future, that peace which tends only to industry and internal content, and indisposes to intrigue and to war.

It may be proper to prevent possible indistinctness that I should specifically point out some of the leading implications of this communication as to the past as well as to the future, and with your excellency's indulgence, I therefore proceed to observe:

First. That this notice of title is unqualified, and may be understood to imply whatever may be implied by an unqualified notice and demand in like premises.

Second. That the Peruvian Company expects Chili to account to it for whatever guano she has removed or suffered to be removed from original deposits in Peru at any time since January 1, 1841.

Third. That the Peruvian Company expects Chili, on and after the day of the delivery of this note and its inclosures to your excellency, to recognize and protect the title herein asserted throughout the territory of Peru so long as the military forces of Chili shall continue therein.

Fourth. That for any failure or refusal hereafter to recognize and to protect the title herein asserted, the Peruvian Company expects to hold Chili directly responsible; and the company will, in such case, rely upon the protection of its own government.

Fifth. It should not be overlooked that so long as the military forces of Chili continue in Peru, the company must require of them directly, and must hold the Government of Chili directly responsible for all the protection, relief, and assistance which but for such occupation it might properly demand of the Government of Peru; and express notice of such requirement is hereby given, together with like notice that for any detention or appropriation of or injury to the property of Peru, the debtor of the Peruvian Company, after the delivery to your excellency of this notice, and pending the full satisfaction of the demands comprised in the memoranda herewith inclosed, the company must and will hold the Government of Chili directly liable in full.

Of course, I am ready to supply to His Excellency the President of Chili, upon due request, all further information appropriate to the premises, including all necessary evidences of the title herein asserted, and to designate a commissioner duly authorized to represent the owners in the immediate custody and control of the property hereby demanded.

Not for a moment doubting the sincere readiness of the government and people of Chili at all times to do justice, and fully confiding in the early and amicable adjustment of all issues herein contemplated, I avail myself of this opportunity to assure your excellency of the distinguished consideration with which I have the honor to remain

Your excellency's obedient servant,

JACOB R. SHIPHERD,
President of the Peruvian Company.

Dated NEW YORK, *October* 5, 1881.

To His Excellency the Honorable MARCIAL MARTINEZ,
Envoy Extraordinary and Minister Plenipotentiary of Chili, at Washington.

No. 416.

Mr. Blaine to Mr. Shipherd.

DEPARTMENT OF STATE,
Washington, October 12, 1881.

SIR: I have to acknowledge the receipt of your letter of the 10th instant, inclosing printed copies of two notes addressed by you, one to the Hon. J. F. Elmore and the other to the Hon. Marcial Martinez, both of which have been placed upon the files of the Department.

I am, sir, &c.,

JAMES G. BLAINE.

JACOB R. SHIPHERD,
President of the Peruvian Company,
10 *Spruce street, New York.*

No. 417.

Mr. Shipherd to Mr. Blaine.

[Peruvian Company, 10 Spruce street, New York. Post-office box 3448.]

OCTOBER 18, 1881. (Received October 20.)

SIR: I have the honor to inclose herewith legal proofs of the due service upon the ministers of Peru and Chili respectively of the demands whereof official copies were transmitted for file in the Department of State with my note of the 10th instant. From these proofs it appears that such service was made at Washington by one Ellery C. Bartlett upon the 13th instant.

I have the honor to request that these proofs may be placed on file in the Department, and that I may be duly advised that they have been so placed.

I have the honor also to inclose herewith copies of these demands for transmission to the American ministers at Lima and at Santiago, in case it shall seem to the Secretary proper that such transmission with or without accompanying instructions should be directed.

I avail myself of the opportunity to acknowledge with thanks the due receipt of your advice, dated October 12, 1881, and remain, sir, with great respect, your obedient servant,

JACOB R. SHIPHERD.

CITY OF WASHINGTON,
District of Columbia, ss:

Ellery C. Bartlett, being duly sworn, deposes and says that on the 13th day of October, A. D. 1881, at the city of Washington aforesaid, he personally served upon his Excellency the Hon. Marcial Martinez, envoy extraordinary and minister plenipotentiary of Chili, the original communication subscribed by Jacob R. Shipherd, president of the Peruvian Company, of which an official copy* is herewith annexed, together with the papers therein mentioned as accompanying the same, and that he made such service by delivery of all the said papers to the said Martinez at the residence of the said Martinez, No. 1400 Massachusetts avenue, northwest in the said city of Washington, and leaving the same with him; and that he then and there knew the person to whom he delivered the said papers to be the said Martinez, and further deponent saith not.

ELLERY C. BARTLETT.

Sworn to and subscribed before me this 14th day of October, 1881.
[NOTARIAL SEAL.]

W. F. PEDDRICK,
Notary Public.

CITY OF WASHINGTON,
District of Columbia, ss:

Ellery C. Bartlett, being duly sworn, deposes, and says, that on the 13th day of October, 1881, at the city of Washington aforesaid, he personally served upon his Excellency the Hon. J. F. Elmore, minister of Peru resident at Washington, the original communication subscribed by Jacob R. Shipherd, president of the Peruvian Company, of which an official copy† is herewith annexed, together with the papers therein mentioned as accompanying the same; and that he made such service by delivery of all the said papers to the said Elmore, at the residence of the said Elmore, No. 613 Thirteenth street northwest, in the said city of Washington, and leaving the same with him; and that he then and there knew the person to whom the said papers were delivered, to be the said Elmore; and further deponent saith not.

ELLERY C. BARTLETT.

Sworn to and subscribed before me this 14th day of October, 1881.
[NOTARIAL SEAL.]

W. F. PEDDRICK,
Notary Public.

No. 418.

Mr. Blaine to Mr. Shipherd.

DEPARTMENT OF STATE,
Washington, October 22, 1881.

SIR: I have to acknowledge the receipt of your letter of the 18th instant, and of the papers to which you allude as legal proofs of the due

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* For inclosure, see inclosure 1 in Mr. Shipherd's letter of October 10, 1881, Document No. 415.
† For inclosure, see inclosure No. 2, in Mr. Shipherd's letter of October 10, 1881, Document No. 415.

service upon the ministers of Peru and Chili, respectively, of the demands whereof official copiés were transmitted for file in the Department of State, with your note of the 10th instant.

Your letter and inclosures have been filed as you request.

I am, sir, &c.,

JAMES G. BLAINE.

No. 419.

Mr. Hadden to Mr. Hunter.

THE PERUVIAN COMPANY,
10 *Spruce street, New York, November* 28, 1881.
(Received November 29.)

SIR: President Shipherd directs me to inclose you herewith a copy of a note* forwarded to General Hurlbut by the last steamer; and to say that he caused a set of the printed papers, promised you in a recent conversation, to be forwarded to your address on the 23d instant; which he trusts have already safely reached you.

Very respectfully,

A. HADDEN,
Private Secretary.

No. 420.

Mr. Blaine to Mr. Shipherd.

DEPARTMENT OF STATE,
Washington, December 3, 1881.

SIR: General Stephen A. Hurlbut, our minister to Peru, acting with perfect official propriety, returns to the State Department the letters you have addressed to him in regard to claims against that government in which you profess to have an interest. During the first interview you had with me in August last, I advised you that it was not proper for you to correspond with the American minister in regard to private claims, and that the necessities and courtesies of the situation required a minister to give attention only to such private interests as were submitted to his attention with the sanction and the responsibility of the Department. You indicated your recognition of the fitness of this rule, and your intention of complying with it; and you mentioned the names of several distinguished lawyers, well-known to the country, who would soon proceed to Peru as the representatives of your claims. I promptly gave you the assurance that if any one of the eminent gentlemen named by you should go to Lima on any professional business, he could rely on the courteous attentions and kindly offices of the American minister in his aid. Quoting confidently, as you did, the alleged opinion of my distinguished predecessor, Mr. Evarts, as to the validity and value of the Cochet claim, which you represented, I told you that I would instruct General Hurlbut to examine into its character and make report thereon to me, which duty he faithfully performed. Beyond this you had no right to demand or expect any aid from the State Department, and

*For inclosure, being letter of Mr. Shipherd to Mr. Hurlbut, dated November 15, 1881, see inclosure 4, in document No. 388.

your holding a private correspondence with General Hurlbut was a gross infraction of every rule of propriety. Nothing could more rapidly tend to destroy the character and influence of an American mission in any foreign country than to have it even suspected that it was entertaining and manipulating private claims against that country, aside from instructions of his government.

I have thus far spoken only of your violation of the rules of propriety. I wish, for your sake, I could stop there. But in one of your letters you deliberately make an improper and unlawful proposition to General Hurlbut, offering, as you do, to place a large interest in your claim, subject to his control, in effect offering him a bribe with scarcely an attempt at disguise. For this offense, I deem it my duty to advise you that you can no longer appear as an attorney in any case before the State Department. I shall submit your correspondence to the President with the view of determining whether further notice should be taken of your offense by the Attorney-General.

The only palliation or excuse I can find in your correspondence, is in its extravagant and extraordinary tone, from which it would appear that you are actualy unable to take a sensible and rational view of the claim in which you imagine that you possess so many hundreds of millions of dollars. As your correspondence, in almost every line, seems to be that of a man laboring under a delusion, I am inclined to believe that you may not have properly weighed, and therefore, are not morally responsible for the improper proposals you have made.

I am the more disposed to this view from your inexcusable folly in writing lengthy letters to General Hurlbut, informing him of the views of the State Department in regard to your claims. The business of the State Department is to communicate its own views to United States ministers abroad, and your assuming to give any assistance on the subject would have been a piece of presumption even had you written the truth. But under some indefinable hallucination you communicated, as the views of the Department, these extravagant and absurd stories, which, as I have recently learned, you have been talking to every man that would listen.

I find another evidence of your delusion in the list of names you give as being already associated, or about to be associated, with you in the prosecution of these claims. Your list embraces the names of some forty or fifty of the most eminent capitalists of New York, and among your alleged attorneys are some of the most distinguished of the American bar. I shall be surprised to find that any one of these gentlemen ever authorized you to use his name any more than I authorized you to present your claim to General Hurlbut.

I have written at this length in order that you might be made acquainted with the reasons which may induce the government to refrain from prosecuting you for an attempt to bribe a public official, as it might otherwise consider it to be its duty.

I am, &c.,

JAMES G. BLAINE.

No. 421.

Mr. Shipherd to Mr. Hunter.

NEW YORK, *December* 5, 1881. (Received December 9.)

SIR: I inclose for your information a copy of a letter received by the last steamer. The writer is the *alter ego* of President Calderon, and a letter by the preceding steamer explained—

1. That the claim and plans of the Peruvian Company had been for several weeks under careful consideration by the Peruvian Executive.
2. That an examination of the archives had verified all the material historical facts upon which our claim rests.
3. That General Hurlbut cordially favored our plan.
4. That the only question seemed to be whether the discoverer of a *value* had as much equity as the discoverer of a *heap*.
5. That at the conference fixed for the 6th a final answer to our demand was to have been decided on.

What that final answer was likely to have been, in the judgment of Mr. ———, seems to be intimated in the words I have underscored near the close of his letter. As soon as we are definitely advised of the tenor of the dispatches sent out on Saturday, we shall see our way clear to another step.

I am, &c.,

JACOB R. SHIPHERD.

[Inclosure in Mr. Shipherd's letter of December 5.]

*Mr. * * * to Mr. Shipherd.*

LIMA, *November* 9, 1881.

ESTEEMED SIR: By the last mail from Panama I received your letter which, by advice of your friends, you have addressed to me under date 5th of October last, developing the vast financial plan which the Peruvian Company proposes to realize.

I regret to state to you in reply that having placed myself in accord with his excellency, the Provisional President of the Republic, for a conference which was to have taken place at 12 o'clock noon of Sunday, the 6th instant, with the object of showing to him as well your opinion as the documents and other papers which accompany it, a new outrage upon Peru, doubtless the greatest of the Chilian domination among the episodes of the state of war in these latter times, absolutely frustrated the conference agreed upon.

The telegraph and later the correspondence which the mail will carry from this country to the United States will inform you of the unheard of act carried out with surprise and daring.

The Chilians having taken possession, in the morning of Sunday, the 6th instant, of the person of the President of Peru, conveying him at once and in an express train to Callao, and afterwards depositing the prisoner on board the iron-clad Lord Cochran, which sailed twenty-four hours later, for unknown parts.

I omit all commentary upon the enormity of the abuse committed by the implacable conqueror upon the chief of a government of order established by the nation precisely for the purpose of celebrating and cementing peace with Chili upon just bases, and who had just been recognized and proclaimed by the great territorial sections of the north and south of the Republic, and by the armies garrisoning the same.

Chili does not consent to the consoliation of any serious and stable government in Peru. She wishes to divide her and anarchize her more and more each day, in order to carry out with impunity the public and private international robbery, which she has undertaken, and which Christian and cultivated nations tolerate with impassibility, without remembering that transgressions committed upon the laws of nations constitute teachings and precedents to be cited as authority whenever the abuse of the strong desire to oppress and disunite to-day one nation, to-morrow another, in continual rotation upon all weak people, or those who may arrive to be weak in any occasion or circumstance.

The fact is that the deed carried out has rendered impossible the conferences to which I above alluded, and renders the action with which you have charged me in your letter inopportune until public affairs are placed back again in the path which in my opinion only the Government of the American Union can enable us to reach by hastening events and thus vindicating their traditional policy.

For this there is an opportunity offered by the continuation of the constitutional regimen of the Vice-President elected by the National Congress in last August, Rear-Admiral Don Lizardo Montero.

The latter will assume the command the moment the news of this infamous outrage shall reach him, and it is evident that by lending to him a strong hand on the part of the Government of the United States we may arrive at the desired solution of all the questions of the war and at the restoration of internal order.

Whatever you and your friends may do in this sense will be a benefit to Peru *and the victory of your own plans.*

I trust that you will let me know opportunely what action in this direction may be expected.

I have, &c.,

* * *

No. 422.

Messrs. Montferrand and Suarez to Mr. Evarts.

WILLARD'S HOTEL,
Washington, January 17, 1881.

SIR: We have the honor to inclose you our letters of credence from the "Société Générale de Crédit Industriel et Commercial," and, at the same time, a letter of introduction from Ed. Noetzlin, esq., one of the directors of the Banque Franco Egyptienne.

Waiting your pleasure as to an interview, we take the occasion to subscribe ourselves, with the most respectful consideration, your obedient servants,

CH. DE MONTFERRAND.
FRANC'O. DE P. SUAREZ.

Mr. Durrien to Mr. Evarts.

[Translation.]

[General Society of Industrial and Commercial Credit, 66 rue de la Chanssée d'Artin and 72 rue de la Victoire.]

PARIS, *December* 29, 1880.

SIR: We have the honor hereby to accredit to you the Count de Montferrand and Mr. F. de P. Suarez, whom we have instructed to go to Washington for the purpose of coming to an understanding with you in relation to the part to be taken by us in the financial or commercial arrangements which may be the consequence of the mediation of the United States Government between Peru and Chili.

Be pleased to accept, Mr. Secretary of State, the assurance of our highest consideration.

H. DURRIEN, *President.*

Mr. EVARTS,
Secretary of State for Foreign Affairs, Washington.

No. 423.

Count de Montferrand and Mr. Suarez to Mr. Evarts.

WASHINGTON, D. C., *January* 20, 1881. (Received January 21.)

SIR: The undersigned, representatives appointed by the Société Générale de Crédit Industriel et Commercial to the Government of the

United States to offer certain financial propositions in order to facilitate the restoration of peace between the republics of Bolivia, Chili, and Peru, and at the same time to protect the financial interests of the last-named republic and of her creditors, most respectfully submit the following for your consideration:

That the United States should again tender her friendly mediation to the above republics as she has done on two previous occasions, actuated by the desire to protect her sister republics in South America, in the cause of humanity, to prevent bloodshed, and to promote the commercial interests of the southern continent. In doing so, we cannot more aptly express our views, than to quote the words of one of the representatives of your government at the late conference (Minister Osborn), who stated at the opening of the conference:

> That the Government of the United States feel a deep interest in the welfare of the three belligerent nations; and it could not be otherwise, since the United States inaugurated in America the republican system, being, therefore, responsible for the existence of republican institutions. It was the first to recognize the independence of these republics, and it has watched with great solicitude from that day to the present the efforts made by them to maintain themselves up to the level of the progress of civilization, rejoicing with them at their advancement and their prosperity. We know, to-day, republican institutions are put to a test before the whole world, and the nations here represented have an equal interest with us in maintaining these institutions and making them a success. The United States naturally deeply deplore the existence of this fratricidal war, and wish a prompt termination of the same. Such is the feeling which has inspired the attitude assumed by the Government of the United States, and it entertains the sincere hope that before this conference will close there will be secured an honorable and everlasting peace between your governments.

We beg to state what we understand to be the conditions existing between these countries in consequence of treaties heretofore existing between Chili and Bolivia as to the right of Chilians to carry on their manufacturing pursuits within the Republic of Bolivia, and to be free from internal taxes, fines, and imposts on the part of Bolivia. The Republic of Bolivia denied that her treaty obligations made any such exemptions from such taxes. This was followed by an appeal of Bolivia to Peru for protection under an existing treaty between the last two named governments. Thus these three republics without calm deliberation became entangled in what may be termed a fratricidal war, which, like all fratricidal wars, has gone beyond the limits of humanity and civilization; hence a strong appeal is made to your government for interference. We find that women and children are outraged and murdered, while the men are massacred even when they are prisoners. Under these circumstances we make a positive appeal to you to interfere, and to require a cessation of these hostilities, the more especially as this can be done with self-respect to all the parties, and on such terms as we believe we are able to submit for your consideration.

The European world has, in this particular instance, with surprising unanimity, recognized the Monroe doctrine, and not only looks to the United States to interfere, but has on every occasion, when the matter has been submitted for its consideration, urged that your government should act; and it will always be a proud page in your government's history that it has on two previous occasions tendered the olive branch. Again the appeal comes, and we beg that you will show your wonted sympathy for the weak and protection to all, and to tender, nay, more, to insist, so far as it is becoming, that the mediation of the United States shall be accepted.

As above stated, we are here to offer, under your sanction and protection, that necessary financial aid which the conqueror and the conquered will demand and require. These republics have undoubtedly crippled

all their financial resources, and Chili to-day is compelled to look to the territory of Peru, which she forcibly holds, to remunerate her for her expenditures and losses. Within the last few months she has undertaken to reimburse herself by a financial contract entered into with an English company, entitled "The South Pacific Guano Company," limited, of London, by which contract the said company agrees to pay to Chili a royalty of £1 and 10 shillings per ton for the guano that it may obtain from the territory of Peru forcibly held by Chili. The demand for guano in the civilized world does not average four hundred thousand tons per annum. Assuming, under this contract, that Chili would be able to supply fifty per cent. of the market through the said company, her revenue would amount to about £300,000 annually, while, on the other hand, Peru would to the same extent be deprived of this revenue. The terms which we propose would almost double the amount that Chili would receive by holding the territory in question; while, on the other hand, Peru would receive an equal amount to meet her national expenses and further to compensate her for the extraordinary drain that has been made upon her resources in consequence of the pending war.

The proposition which the Crédit Industriel makes has been submitted to you by Mr. Robert E. Randall, together with the correspondence which has passed between that gentleman and Mr. Guillaume, the chairman of the Peruvian bondholders' committee, and we request that the same be attached hereto as a part of this communication.

The Crédit Industriel, you will observe, agrees to pay Chili and Peru, respectively, according to the proposition herein referred to, £550,000 per annum for a term of years to be agreed upon. This will justify a loan sufficient to cover the war indemnity demanded by Chili of £4,000,000 sterling, and leave to these respective countries, sufficient to meet all legitimate national obligations. The Crédit Industriel agrees to obligate itself at the same time to arrange with the Peruvian bondholders the indebtedness held by them, amounting, principal and interest, to upwards of £45,000,000 sterling, without they being compelled to look to Peru, and in return, the Crédit Industriel simply requires that Chili shall surrender the conquered territory of Peru to Peru, subject to a protectorate of the United States, guaranteeing to the Crédit Industriel the free and unobstructed shipment of the deposits of the said territory, to wit, the guano and nitrates, for the same term of years. The Crédit Industriel will further agree to pay annually to the American Cable Company, between Panama and Lima, an annual appropriation of £60,000 sterling.

The above is our object and our understanding of the financial interests of the said republics, and the execution of the proposed scheme, presented as it is by the Crédit Industriel, will afford a sure guarantee for the maintenance of the peace, as it will create between these republics a common interest, by placing their great source of common wealth under the management of an institution of high standing and repute throughout the world.

We were advised by the Crédit Industriel that she has used her best efforts to ascertain the views of the governments of Europe as to the present proposition, and we believe that we are not going beyond the bounds of propriety when we state that the mediation of the United States will be acceptable to and supported by the Governments of Holland, Belgium, Italy, France, and Great Britain. With the exception of Italy, the subjects of the above governments are, with the citizens of the United States, to a limited extent, the holders of the entire Peruvian debt, and, therefore, are directly interested in the favorable ac-

tion by your government on the proposition which we now have the honor to submit to you. We ask that you will exercise that same inherent right claimed by this government since the time of President Monroe, that, while the United States will not permit the interference of any European power on the American continent, she would at the same time exercise, if necessary, a protectorate over all governments and countries on this continent.

The subjects of Holland, Belgium, and France represent over one-half of the bondholders of Peru, and are the customers of two-thirds of the guano and nitrate shipped to Europe, France using herself quite fifty per cent.; the balance of the bonds are held in Great Britain. The retention of the guano and nitrate deposits of Peru by Chili would render those bonds valueless, since Chili has already given notice that she is not responsible for the engagements of Peru, and that the same must be the subject of consideration after the termination of the war. The European governments could not then interfere, the subject-matter being a commercial transaction unsupported by treaty obligations. It is clear that the above governments would rejoice and second, if necessary, the intervention of the United States, and we are informed that Great Britain has so advised your government. The terms of peace submitted by the Chilian commissioners at the Arica conference demonstrated that the intention of Chili was a desire to destroy the political equilibrium of the South American states and destructive to Republican institutions. The retention by Chili by force of arms of the territory of Peru cannot insure peace, nor will it aid the cause of civil progress in those countries. The contrary would result; it would bring about continuous troubles and bloodshed between these republics, that must ultimately compel a European intervention similar to the one in Mexico, and probably complicate your government. European powers could not remain indifferent to the sufferings and ruin of their subjects and the paralyzation of industry and commerce.

We beg to call your attention that when Spain attempted, in 1865, to reclaim her former authority over the territory of Peru, the United States promptly and firmly declared that she would not consent to the dismemberment of Peru. One of the reasons given at that time by the United States against the occupation of the guano Islands by the Spanish forces was that the guano was pledged to the payment of the national debt of Peru, and the same question is now presented. Chili claims a right to hold the guano and nitrate territories of Peru, which are pledged to the payment, principal and interest, of said debt.

We desire further to call your attention to the fact that even previously the United States interfered to re-establish peace between Spain and her ancient South American colonies before and after the bombardment of Valparaiso and Callao, and brought about the convention signed at Washington by the belligerents. These results were obtained under the auspices and friendly exertions of the United States. We must now be permitted to express the hope that, in your judgment, this is a fit occasion for a similar interference on the part of your government, which is the natural protector of liberty and promoter of civilization in the New World.

The Crédit Industriel entered into a contract with Peru, executed at Paris on the 7th of January, 1880, under which contract it undertook to manage and work the guano and nitrate deposits on behalf of the Peruvian creditors. That contract is to-day binding. On this point we

submit the opinions of Messieurs E. M. Underdown, John Holker, E. Macnagthen, P. Jozon, H. Dubuit.

The Crédit Industriel is prepared to fulfill her obligations under the protection of the Government of the United States, who will be the international trustee.

The proposition which we submit we deem to be the only practical solution of this South American conflict.

It is the only one which will satisfy the belligerents, protect the interests of their creditors, and secure a lasting peace without injustice or dishonor to any one.

We submit that *time* has become a vital question.

The Chilian arms surround Lima. Any hour we may hear of a decided battle. If Lima falls or the Chilians should be repulsed the moment will then have arrived for mediation; to be on the spot at that moment becomes imperative. If you should determine to make another effort to secure peace between these sister republics it is essential your representative should proceed without delay to South America. We are prepared, as the authorized representatives of the Crédit Industrial, to accompany the commission and submit its financial propositions.

We remain, sir, with great respect, your most obedient servants,

C'TE DE MONTFERRAND.
FRANC'O DE P. SUAREZ.

Documents annexed to the foregoing communication.

(1.) A letter to the president of the "Société Générale de Crédit Industriel et Commercial," dated the 1st April, 1880, by the presidents of the French, Belgian, and Dutch-Peruvian bondholders' committees.

(2.) The reply to said letter by the president of the "Société Générale de Crédit Industriel et Commercial," dated the 6th April, 1880.

(3, 4, 5.) Legal opinions of Messieurs E. M. Underdown, John Holker, E. Macnaghter, P. Jozon, and H. Dubuit.

(6.) The contract, of the 7th January, 1880, executed at Paris, between Peru, by her authorized representatives, M. M. Juan, M. de Goyeneche, and Don Francisco Rosas, and the Crédit Industriel by M. Henri Durrien, president.

[Inclosure 1 in No. ——.—Translation.]

Mr. President of the Société Généralé de Crédit Industriel and Commercial, Paris.

Mr. PRESIDENT: Replying with pleasure to the initiative of the French committee, your society has been pleased to tender its aid to the project for regulating the Peruvian bonds, and to this end you have entered into negotiations with Messrs. Rosas and de Goyeneche, which have resulted in the contract of the 7th January last.

This contract is the first which assured, in a possible manner, and in a definitive way, service of the Peruvian bonds. That is why all the committees of the continent have adhered to it not only without hesitation, but with the consent of all. Under other circumstances Peru would never have consented to the abandonment of its pledge, above all, irrevocably.

On the other hand this agreement respect all the rights of third parties, and principally those which have been consignees of the guanos of Peru since these last were always complaining of the partiality of the Peruvian courts, hereafter in the settlement of their differences can address themselves to judges of their own countries, and if they have nothing unjust to demand, we cannot understand how they can be suspicious of the courts of their own countries.

Unable to explain, by reasons which are avowed, whether by what took place in the meetings at London, or the scandalous contract signed at Lima by the Dictator Piérola, and an agent of the house Dreyfuss; unable above all to establish that the contract of the *Crédit Industriel* is not both for the creditors of Peru and Peru, the most honest and the most advantageous which was ever made, the interested adversaries

of this agreement propagate doubts as to its validity, pretending that the powers of the commissioners who signed it were revoked or rightfully annulled by the coming into power of a new government.

Undoubtedly the facts, the official documents, and the Peruvian law itself show that these reports are without foundation; but the silence and inaction of the *Société of the Crédit Industriel* has allowed them to be propagated and to alarm those whose interest we represent.

It is with this view, sir, that we ask you to answer the preceding observations by a letter, which we propose to publish, in order that our shareholders may partake of the confidence which we ourselves have, and which results from our frequent interviews with you.

Please accept, Monsieur le Président, our sincere salutations.

Paris, March 30, 1880.

A. GUILLAUME,
President of the French Committee Peruvian Bondholders.

Antwerp, March 31, 1880.

LOUIS GODDERIS,
President Belgian Committee of Peruvian Bondholders.

Amsterdam, 1st April, 1880.

A. L. VIERFBAIN,
President of the Dutch Committee of Peruvian Bondholders.

[Inclosure 2 in No. —.]

[Société Générale de Crédit, Industriel and Commercial, 66 rue de la Ch'll d'Antin, et 72 rue de la Victoire.]

PARIS, 6*th April*, 1880.

To Messrs. the Presidents of the French, Belgian, and Dutch Committees, for the protection of Peruvian creditors now in Paris:

GENTLEMEN: We answer your letter which you did us the honor to write to us on the 30th ultimo.

If the contract, which we signed on the 7th January, 1880, with the commissioners of the Peruvian Government, has not yet been carried into execution, that raises no doubt, on our part, of its validity or of the rights which it confers upon us. The circumstances under which this treaty was concluded, and the opinion of gentlemen of the highest authority, both in France and in England, do not permit us to have any doubt on this subject.

But you know the complications of various kinds which have, until the present time, paralyzed our efforts.

Under these circumstances we can only reaffirm our intention to maintain our contract in the conditions in which it was concluded.

Furthermore, we do not doubt that, enlightened by the events which are taking place, as well in Chili as in Peru, the creditors of the latter state, to whatever nationality they belong, will soon rally to you, which will facilitate the accomplishment of the work which we have undertaken.

Accept, gentlemen, the assurances of our distinguished consideration.

Société Générale de Crédit Industriel and Commercial.

Le President:

H. DURRIEN.

Inclosures Nos. 3, 4, and 5 are legal opinions of English and French lawyers as to the reliability of the contract which, in view of the extent and magnitude of these papers are not forwarded. It is not supposed in the Department that they are important; but if desired they can be copied and sent at a later day.

Inclosure 6 is the contract between the Government of Peru and the Société Générale de Crédit Industriel et Commercial, dated January 7, 1880, and the annexes thereto. The documents are long and in the Spanish language, and to print them in full would delay their presentation. If it is desired to have them in full there is no objection to their publication. The substance of the documents is as follows:

Contract concluded at Paris, January 7, 1880, between the supreme government of Peru and the Société Générale de Crédit Industriel et Commercial, for the definite adjustment of the Peruvian foreign loans of 1870 (6 per cent.) and 1872 (5 per cent.).

The preamble shows that—

1st. A contract signed at Paris, May 12, 1870, with Dreyfus Brothers & Co., floated a loan of 280,000,000 francs, guaranteed by guano sales.

2d. A like contract, of Lima, July 7, 1871, created a new loan of £36,800,000, with a like guano-sales guarantee, and also a *mortgage* on the guano beds themselves and a guarantee of all present and future revenues of the Peruvian Government. This was known as the loan of 1872.

3d. The holders of these two issues of bonds "have the absolute right to exact the effective delivery of those securities, and especially of the guano and nitrate deposits, if the debtor state default."

4th. Various laws and decrees of Peru, of which the dates are cited, recognize these rights.

5th. The loans of 1870 and 1872 have been in default since July 1, 1875.

6th and 7th. Attempts to compromise these debts by a new arrangement have failed.

8th. Peru is anxious to restore her impaired credit.

9th. That the proposal for a new arrangement, made in 1876, is still open, especially as the guano company has failed in its duty to the Peruvian Government by not honoring its drafts.

Therefore, these conclusions are reached:

1st. That the guano and nitrate deposits must be worked to extinguish the debt.

2d. That the present contract is not intended to give the bondholders the right of working the deposits, but simply to fix the conditions of working the same, provided (*a*) that the State pledges the irrevocability of this contract, and (*b*) that existing guano and nitrate contracts are not to be modified without the consent of the bondholders.

3d. That the most satisfactory basis of a settlement is the assured participation of the creditors in the results of the working of the deposits.

4th. That as this needs capital, a society for working the beds is to be created as a stock company, to execute this contract.

5th. That this arrangement is conformable to the already expressed wishes of the bondholders.

The first title of the contract regulates the conditions of working the guano beds by the special *société* to be formed, &c. All deposits discovered or to be discovered in Peruvian territory are comprised in this contract. Eighty per cent. of the net profits of the *société* to be divided among the bondholders; £2 per ton extracted to be paid to Peru, and not less than 200,000 tons to be extracted annually. Peru is also to receive £2 worth of bonds of 1870 and 1872, for each ton shipped. These are to be monthly payments, estimated on the returns of the previous year; and if exportation is prevented for any cause this payment is not to be made. The *société* to begin operations at once; choose the beds it will work, and mine and ship by its own agents. The government may inspect the shipments and confirm the correctness of the company's operations, all expenses to be borne by the company. The Peruvian Government to supply proper customs facilities for guano vessels arriving in ballast or with cargo at any selected point of operations. No export tax to be levied. Any loss of cargo by wreck, &c., to be borne by the company; but it may export equal cargoes afterward without paying Peru for them. Sales to natives of Peru to be made by the company; the government, however, to share in all money paid therefor in excess of £12 10*s.* ($62) per ton. The company is to monopolize the European trade in guano, and may also take any other trade not already covered by contract with subjects of non-European States. Any extraction of guano except by the company, to be regarded as robbery, and penally punished on conviction. All questions affecting the execution of the contract and not directly concerning the government to be decided by the courts where they arise; but suits by third parties relative to possession of the active beds, or abandoned beds, can only be heard in European courts (article 23). The Dreyfus contracts are transferred to the *société*, and the *société* is to respect all rights thereunder.

The second title of the contract regulates the exportation of nitrates, as follows:

The company to be organized by the Crédit Industriel is to occupy and work all deposits belonging to Peruvian Government, but to respect existing rights specifically guaranteed by the nitrate beds. The conditions of working are essentially as with regard to the guano deposits. The *société* to pay Peru £2 in cash for each ton sold, and, besides this, one-half of all excess above a selling price of £16 per ton. When existing saltpeter certificates are paid off, the government is to receive an additional £2 in bonds of 1870 and 1872 for each ton sold. The annual production of nitrates not to be less than 100,000 tons. There being private nitrate beds in Peru not embraced in this contract, all private shipments are to endure a gravamen of 1.25 soles (about $1) per quintal (the present export duty), but the *société* has no export duty to pay. The *société* is to

collect the export duties on private guano, and retain fifty per cent. thereof after deducting five per cent. for expenses. (These conditions are equivalent to a complete prohibition of private exportation, especially as Peru engages—article 41—to procure the enactment of a law raising the export duty to 2 soles (about $1.60) per quintal.)

Title 3.—The contract is to run from its date, January 7, 1880, and to expire when the last bond of 1870 or 1872 is cancelled. Foreign powers to be notified by Peru of the conclusion of this contract. So soon as the special guano and nitrate company provided by this contract is organized, the Société de Crédit Industriel et Commercial is relieved of all responsibility flowing from the contract.

Signed by F. Rosas and Juan M. de Goyeneche, on behalf of Peru, and by H. Durrieu, on behalf of the Société Général de Crédit Industriel, &c.

CONDITIONS.

Appended to the contract are the constitution and by-laws of the special society or company formed under the contract with the Crédit Industriel. Its title is "Société des Guanos et Nitrates du Péron" (Guano and Nitrate Company of Peru), with headquarters at Paris or London. Capital, 100,000 shares of 500 francs each per —, or $10,000,000. In addition it is to issue bonds to the value of $80,000,000, which are to be distributed pro rata among the holders of the existing Peruvian guano or nitrate bonds. A sinking fund is to be provided, and surplus revenue to be annually distributed among the Peruvian Government, the Peruvian bondholders, the stockholders of the company, and the sinking fund, in fixed ratios. The company reserves very general powers in its administration and working the deposits. The Peruvian bondholders are to name a supervisory committee, to examine the books of the company quarterly. The Peruvian Government may also send special agents as inspectors. And, lastly, the rights of Peruvian bondholders, who do not exchange their bonds for the bonds of the company, are to be denied, under the sole responsibility of the Peruvian Government. These by-laws, &c., are dated January 7, 1880.

A supplementary pamphlet, called "Annexes," publishes a number of official documents concerning the action of the Peruvian Government and the institution of the company. These are:

1st. The full power, given by Acting President La Puerta, of Peru, to Francisco Rosas and Juan Mariano de Goyeneche, to conclude the contract, dated Lima, October 13, 1879.

2d. The full text of the Dreyfus contract of May 19, 1870, under which the 6 per cent. loan of 1870, 298,000,000 francs in all, was negotiated.

3d. The text of the general guarantee printed on the bonds of 1870, whereby it was made a preferred obligation, to be met by the products of the guano deposits, and by the capital and revenues of Peruvian railways, and the customs revenues of Peru.

4th. The text of the Dreyfus contract of July 7, 1871, under which the 5 per cent. loan of 1872 was negotiated.

5th. A memorandum, undated, setting forth the resources of Peru to meet the loan of 1872, signed by Meliton Porras.

6th. The text of the general guarantee printed on the bonds of 1872, mortgaging all the guano itself existing in Peru, and all government sales of guano. Dated January 1, 1872.

7th. The Peruvian decree of November 14, 1873, which among other things pledges absolutely all the guano in Peru as a guarantee for the loans of 1870 and 1872, and authorizes the holders of these debts to take possession of them.

8th. Declaration made by the Peruvian Government to the Peruvian legislature in 1874.

9th. Diplomatic circular of January 11, 1876, concerning the Peruvian foreign debt, signed by Juan Ignacio Elguera.

10th. Extract from the nitrate contract of 10th July, 1870, between the Peruvian Government and the La Providencia Bank, prescribing the conditions under which the bank was to control the production, sale, and exportation of nitrates found in the deposits belonging to the State.

[The following is the correspondence between Mr. Guilluame, chairman of the Peruvian bondholders' French committee, and Mr. R. E. Randall, and referred to in this correspondence, and made a part thereof.]

Mr. Guilluame to Mr. Randall.

PARIS, *October* 27, 1880.

To Mr. ROBERT E. RANDALL, *Philadelphia:*

SIR: I have the honor to acknowledge the receipt of your dispatch, which reached Paris October 25, 1880, at midnight, as follows:

Mediation accepted. Banque should send authority, official, to offer Guilluame's programme.

"RANDALL."

I confirm the telegraphic reply which I have sent you this day:

"Bank writes to declare officially that it is ready to carry out as far as it is concerned the programme sent to you. Letter follows.

"GUILLUAME SUAREZ."

In conformity with this dispatch, I send you herewith the letter alluded to above. As you will see, this letter is an official and unqualified authorization of the Crédit Industriel, confirming that this company accepts my programme, and is ready to carry it out.

The Government of the United States, to which you will communicate this authorization, will consequently have the certainty that it can proceed in the matter, and that from the start the financial realization of which it will propose is guaranteed by a company of undisputed credit. I go still further. I think that the Government of the United States can do more than to offer this programme. It can *compel* its acceptance; Chili and Peru, owing to circumstances, being in a false position, and desiring in the eyes of their to appear as if they were subjected to pressure. I do state what precedes lightly. I have had conversations with persons in a position to know the truth on the subject, and I can assure you that the desire for peace in government circles is as strong at Lima as it is at Santiago, but that neither dares to make the first advances on account of the high state of excitement of the masses; whence their equally great desire to see a great power to take the initiative to compel peace upon an acceptable basis.

As to the European governments, there is no doubt that they would see with great satisfaction the settlement of the question of the Peruvian bonds, which interest their people, and the termination of a war the continuation of which would injure their agricultural interests.

On this side there is no cause for fear. There remains a special question, to a former consignee, Mr. Dreyfus.

Some years ago Mr. Dreyfus declared that he was a creditor of Peru for about 100,000,000 francs. General Prado's government refused to recognize this claim, but the following government, that of Mr. Piérola, admitted the above claim to the amount of 50,000,000 francs, and authorized Mr. Dreyfus to export guano to cover himself.

We cannot interfere with this question, as we have neither the data nor the power to decide on the legality of the Dreyfus claim. However, I have reasons for supposing that Mr. Piérola may strongly insist that this claim should be taken into consideration in the final settlement.

In this case, and if it were indispensable, the above claim might perhaps be admitted, but with the condition that its reimbursement should not diminish the portion set apart for the bondholders from the proceeds of the guano. (Statement No. 1 of the programme.)

In this order of ideas it should be stipulated that the Dreyfus claim should be paid out of the totality, or the two-thirds of the part set aside for paying off the Peruvian bonds, £300,000 of the apportionment shown in the statement No. 3 of the programme (say with from £200,000 to £300,000 yearly).

It would require ten years to effect this liquidation, interest included. And this would be equitable, for there is no reason why Mr. Dreyfus should be privileged, instead of being included in the pro rata as all the other creditors. It is already a great deal to admit this debt.

I think I may assert a general acceptance on this basis.

But the absolute principle, which should not be lost sight of, is that the Crédit Industriel shall be recognized and constituted the general liquidator, the worker of the guano and nitrates, the distributer of the proceeds to Chili and Peru, to the bondholders and creditors (all resident in Europe), that the "Crédit Industriel" should be the syndicate, and that the deposits shall be neutralized until the paying off of the accounts, as otherwise there would be competition, and, with it, a depreciation of prices, preventing the fulfilling of the engagements that have been taken.

I beg of you, sir, to receive the assurances of my distinguished consideration.

A. GUILLUAME.

Mr. Guillaume to Mr. Durrier.

PARIS, *October* 27, 1880.

To Mr. DURRIEN,

President of the Société Général de Crédit Industriel et Commercial," 66 Chausee d'Anteri, Paris :

SIR: I have the honor to lay before you the following facts: Owing to circumstances that it would be too long to explain here, Peru and Chili cannot easily treat of peace without the intervention of a great foreign power, and the Government of the United States is the only one, in fact, whose mediation is acceptable by the two belligerents, and accepted by them.

On the 26th of last September I had, in connection with this subject, an interview with Mr. Robert E. Randall, brother of Mr. Samuel Randall, Speaker of the House of Representatives of the United States, and we reached the following conclusion: That the American Cabinet could not intervene in an urgent and consequently efficacious manner unless it were placed in a condition to submit to the Chilian and Peruvian cabinets a well-defined programme, giving equitable satisfaction to all the interests concerned, local or foreign, and whose realization, in a financial point of view, would be rendered certain by the financial institution (Etablissment de Crédit) of undoubted standing, already in possession of certain rights entitling it to be considered liquidator, and backed, moreover, by a great number of those interested.

The next day, 27th, I gave to Mr. R. E. Randall a programme which he believed would be acceptable by the American Cabinet as a basis of the mediation which this cabinet was to offer or impose in order to put an end to the present war.

You will find herewith a copy of this programme, which, in substance, is nothing more than the almost textual execution of the contract signed by the Crédit Industriel January 7, 1880.

Mr. Rostand was informed October 1 of the negotiation entered upon with Mr. Randall, who had left for Washington.

The declarations and assertions of Mr. Randall were confirmed much sooner than I had hoped for, as I have just received the following cable dispatch:

[Translation.]

(October 25, midnight. Paris, from Philadelphia. 48–16. V. R. B.)

Mediation accepted. "Banque" should send authority official to offer Guilluame's programme.

RANDALL.

I therefore beg you, Mr. President, to place me in a position to answer Mr. Randall, and to give satisfaction to the request of the United States Government, whose mediation, in the conditions presented, will have an importance which you cannot fail to recognize.

Receive, Mr. President, the assurance of my high consideration.

The president of the French committee of Peruvian bondholders.

A. GUILLUAME.

Mr. Durrier to Mr. Guilluame.

[Société général de Crédit Industriel and Commercial, 66 Rue de la Ch'see d'Anteri et 72 Rue de la Victoire.

PARIS, *October* 27. 1880.

SIR: By your letter of October 27, current, you were kind enough to communicate to us the programme that you had given a few weeks back to Mr. Robert E. Randall, of Philadelphia, which might serve as a basis for the diplomatic intervention or arbitration of the United States of America in the settlement of the difficulties now existing between the Governments of Peru and Chili.

After examination of this programme, we have reached the conclusion that in its spirit, as well in its principal conditions, it is in conformity with the agreement which we signed January 7, 1880, with Mr. Rosas, then president of the Peruvian Senate, and Mr. de Goyeneche, Peruvian minister in France, both acting in virtue of the full powers given them by their government.

Consequently we have no difficulty in acting in conformity to the desire which you made known to us, and we are ready to accept officially the task of settling, or of

causing to be settled, by a special company, which we will organize for this purpose, the interests of the Peruvian creditors, in conformity with the said agreement of January 7th, and with your programme, of which it is the reproduction.

Nevertheless, it is well understood that if modifications were to be made during the course of negotiations these modifications should first be submitted to our "société" which signed the agreement of January 7, 1880.

We authorize you to communicate the present to Mr. Robert E. Randall, in reply to the dispatch sent by him to you by the electric cable—dispatch which reached you the 25th instant, and which we authorize you to answer in the following terms:

"Bank writes to declare officially that it is ready to carry out as far as it may be concerned programme sent you. Letter follows."

Please receive, sir, &c.
The president.

Z. DURRIER.

Mr. GUILLUAME,
President of the Committee of the Holders of Peruvian Bonds.

No. 424.

Count de Montferrand and Mr. Suarez to Mr. Evarts.

WASHINGTON, D. C., *February* 1, 1881.

SIR: In compliance with your wishes on cablegram advices from Robert E. Randall, esq., the attorney and counsel of the Société Général de Crédit Industriel et Commercial, we are here to arrange with you a feasible settlement of the existing war between the Republics of Peru, Bolivia, and Chili.

The documents which we have had the honor to place in your hands accredited us as the representatives of that *société* to offer the terms and conditions contained in the programme transmitted to you by that society through the above-named gentlemen.

In our judgment that offer is the only one which will permit a practical and immediate solution of the South American difficulties on just and equitable terms to all parties. We see no other mode to secure an honorable and lasting peace.

The right of conquest which Chili claims to exercise can only lead to ever-recurring fratricidal struggles, marked by outrages, reprisals, and bloodshed. Wide-spread anarchy among the South American republics must inevitably ensue.

We learn that the Government of Great Britain has heretofore urged the mediation of the United States between the belligerents, Peru, Bolivia, and Chili; and now we, the representatives of the continental creditors of Peru, follow Great Britain in urging the United States again to enter on a prompt and effective mediation.

Since we had the honor to address you on the 20th of January Lima has been captured. When the details of that gloomy event come to hand we shall no doubt learn of outrages and wanton destruction which will call down upon them the condemnation of the civilized world.

But the capture of Lima will not end the war. Peru will continue to resist. It will not submit to the dishonorable terms Chili would impose, as developed at the Arica conference—the dismemberment and annihilation of two sister republics. We take this occasion to assert that the success of the Chilian policy, instead of insuring peace and prosperity, will retard and endanger the progress of republican insti-

tutions on the South American continent, and we submit, with all respect, that your government has now the opportunity to foster and protect these institutions with the consent and approval of Europe.

As you stated in our first interview, we agree the moment has arrived for intervention. "Lima has fallen," and no time could be more propitious for the United States to interfere and secure beneficial results to its trade and commerce.

While on this subject allow us to quote the views expressed by E. L. Baker, consul at Buenos Ayres, in speaking of that republic:

> Our interests in the political prosperity of the South American republics, nearly all whose foreign business associations are now monarchial instead of democratic, should prompt us, if possible, to bind our own to the republics of the River Plate, by the strong bonds of a mutual reciprocal trade. Commerce is the great civilizer and political missionary of the world; and the ideas and methods by which the United States have advanced to their present commanding position among the nations of the earth, if brought into closer contact and communion with this country, could not fail to act and react most favorably upon its commercial, industrial, and political destinies. In no other way could we better spread and propagate the principles and ideas which have built us up as a great nation than by the secret, silent influences of a closer and more intimate intercourse.

All of which is far more pertinent to the west than to the east coast of South America.

We are prepared, as heretofore stated to you, to accompany a commission of the United States to the belligerents to aid in securing the success of your government's intervention in behalf of peace, for we believe, in such event, we will be able to adjust the financial difficulties existing between those hostile governments. We deem it proper and important to declare emphatically that this offer rests on the guarantees of a powerful financial association, whose negotiations are coextensive with the commercial world. The "Société Général de Crédit Industriel and Commercial" is fully able to execute all existing and any possible future contracts between the belligerents themselves or between them and their creditors. The "*société*" is ready to proceed, and only waits the action of your government.

We therefore respectfully request the proposed mediation of the United States shall receive your prompt attention, and that you will at the earliest practicable moment signify to us in writing your determination, so we may be able to communicate the same to our principal.

We avail ourselves of this occasion to renew to you, sir, the assurance of our most distinguished consideration.

CH. DE MONTFERRAND.
FRANCO. DE P. SUAREZ.

No. 425.

Mr. Suarez to Mr. Evarts.

WILLARD'S HOTEL,
Washington, February 9, 1881.

SIR: I beg leave to address you on the present occasion not so much in my official capacity as delegate of the "Crédit Industriel," but as an American who has at heart the proper influence and supremacy due to the United States among the nations of the New World.

This is the main reason which has led me to advocate the idea embodied in the programme of the "Crédit Industriel," inducing the foreign creditors of Peru voluntarily to place their interests under the guardianship of the Government of the United States.

The Monroe doctrine is recognized as constituting one of the fundamental principles of the American international policy. It follows, therefore, that the Government of the United States is bound to protect foreign interests against the fatal consequences brought forth by the internal convulsions and the unsettled political condition which, unhappily, have ever been the lot of the ancient Spanish colonies. Otherwise the Government of the United States would not be justified in protesting, under certain circumstances, against a direct action of the European powers for the protection of the rights and interests of their own subjects.

You must be aware that much is to be done to secure to the United States that political and commercial control which its position should command in South America. To the present moment European influence has controlled those commercial relations, as well as being an important factor in their State affairs.

No one can appreciate more readily than yourself the accuracy of my views, as the ideas they convey are but a mild expression of your own foreign policy.

These ideas you have had the high satisfaction to enforce by your treaties with China and with Japan.

Yet their success in South America is far more important to the interests of the United States, specially at this moment, when the effort is being made to cut a canal across the American isthmus under European financial control.

I agree with you that the actual state of affairs in South America affords to your government a most brilliant opportunity to inaugurate a most desirable international policy between the United States and its sister republics.

More, you agree with me that the programme submitted to you by the "Crédit Industriel" constitutes a most important element to bring about peace and concord among the belligerents, but you are certainly aware that the financial and commercial aid tendered by the "Crédit Industriel" will be of no avail if it is not properly offered to them under the auspices of a great friendly power, ready to meditate and adjust their mutual claims on just and equitable terms, such as stated in the programme referred to, and if necessary, to assume the high position of international trustee.

The Government of the United States will not assume any serious responsibility, since the responsibility will be confined to a mere guarantee to the interested parties that it will not permit the slightest violation of the programme submitted by the "Crédit Industriel," and to that effect the Government of the United States will have the right to appoint an official comptroller.

The adoption of such course would be most creditable, and would receive the immediate indorsement and cordial support of European powers to the satisfaction of the creditors. The spontaneous appeal of the Peruvian bondholders virtually involves the recognition of the Government of the United States as the natural protector of European interests in the western hemisphere, it involves in fact the full recognition of the Monroe doctrine without passing through the long, unsafe, and tangled channels of diplomacy, and further it will practically aid to put an end to the latent political antagonism existing between monarchical Europe and republican America.

As it has been fully stated in the communications which my colleague (Mr. le Comte de Montferrand) and myself have had the honor to address to you, the present occasion is exceptionally favorable to initiate

such a policy; and if time will not allow you to accomplish this patriotical task, no one will dispute with you the glory of having originated and introduced a policy which will surely bring honor, peace, and prosperity to the American republics.

Considering this momentous question from this high point of view, I submit, with all respect, that the hour has arrived for carrying out your ideas of sending instructions to your ministers at Lima, Santiago, and La Paz to renew the offer of mediation and to recommend at the same time to the consideration of the belligerent States the financial programme of the "Crédit Industriel," and further to declare that the Government of the United States is willing to act as international trustee for the benefit of all interested and for the perpetuity of republican institutions.

This course will not create any international difficulties. Quite the contrary; it will give to the United States another opportunity to assume the honorable position of pacificator and promoter of civilization.

Briefly, if you see no objection to it (and the last news received from the seat of war confirms my earnest opinion about the continuance of hostilities as well as in regard to the opportunity of taking such a measure without further delay), I will be happy to learn that you are decided not to leave your high post without making another effort to inaugurate in South America the policy which you have so successfully secured in China and Japan.

In such a case I will, with your permission, send a confidential dispatch to the "Crédit Industriel," and I will promptly communicate to you their reply. In the mean time, I beg leave to say that if you should deem my personal services of any practical use to success, command them, and moreover if you should see no impropriety to intrust to my care such an honorable commission, I will start immediately for Lima with your dispatches to the ministers of the United States in Peru, Bolivia, and Chili.

Waiting for the honor of an answer, please accept, sir, the assurance of my respected consideration.

FRANCO. P. SUAREZ.

No. 426.

Mr. le Comte de Montferrand to Mr. Evarts.

[Translation.]

WASHINGTON, *February* 14, 1881. (Received ———.)

Mr. SECRETARY OF STATE: Being about to leave Washington, I have the honor hereby to confirm the information previously given that Mr. de Suarez, who has been accredited near you by the Crédit Industriel, is authorized to receive your reply in reference to the Pacific affair, and to transmit it to Paris, in a word to continue the negotiations commenced by us.

Be pleased to accept, &c.,

CH. DE MONTFERRAND.

No. 427.

Confidential note.—Re-Chilo-Peruvian affairs.

Interested parties in the contract between the Government of Peru and the "Société Général de Crédit Industriel et Commercial," dated at Paris the 7th January, 1880, subject to modifications in accordance with the financial and commercial programme submitted to Hon. William M. Evarts, Secretary of State, namely:

English interest is represented by the high-standing house of Matheson & Co., bankers, whose business relations extend over the whole world, most especially to India and Spain. One of the partners is an influential member of the House of Commons.

There is no committee in England officially recognized by the Peruvian bondholders. Actually there are three conflicting committees more or less favorable to Chili.

But we have received assurances from the "foreign bondholders' committee" (the only corporation of the kind existing in Europe and maintaining regular official intercourse with foreign governments in connection with their external debts), tendering to the Crédit Industriel their good offices, and offering their aid and support as soon as we shall commence operations on behalf of the Peruvian creditors.

Belgian interest is represented by Mr. Louis Godderies, president of the Belgian-Peruvian bondholders' committee. Mr. Godderies is a banker himself, and he is supported by first-class banking-houses connected with the guano and nitrate agency.

Dutch interest is represented by Mr. A. L. Vurfbain, president of the Dutch-Peruvian bondholders' committee. Mr. Vurfbain is the president of the Amsterdam stock exchange, and is equally supported by some of the principal bankers in Holland.

German interest is represented by the "Deutsche National Bank" of Bremen, seconded by powerful banking-houses. One of the members of the German group holds a seat in the national Reichstadt, and, I have been told, he disposes of a great influence in political circles.

French interest is represented by Mr. A. Guillaume, president of the French-Peruvian bondholders' committee. He is supported by the "Crédit Industriel," the "Banque Franco-Egyptienne," and many other banking and commercial houses of high standing. Among them, one of the most important, are Messrs. Dreyfus Frères & Co., lately guano agents at Peru, and at the same time one of the largest creditors of Peru.

Spanish interest is represented by some important banking and commercial houses of Barcelona and Valence.

American interest is represented:

1st. By a certain number of American citizens holding Peruvian bonds.

2d. By American citizens having entered into different contracts with the Peruvian Government, and who will not be able to realize their prospects if Chili should be allowed to enforce upon Peru and Bolivia her unjust, exorbitant, and humiliating conditions.

3d. By the agents for the sale of Peruvian guano and nitrate in the United States.

4th. By the American company actually holding a contract from the Government of Peru to lay a cable between Panama and Callao.

It is pertinent to observe, that while Peru and Bolivia have from the

beginning of the war turned their eyes towards the United States, Chili, on the contrary, has to the present moment endeavored to fortify her political and commercial links with Europe. She has attempted on different occasions to place the guano and the nitrate deposits under the exclusive control of English houses; but her efforts have proved unsuccessful, owing to the open declaration of the British Government and of the English courts of justice, which will undoubtedly become more emphatic and decisive as soon as it will be known that the United States has decided to mediate with the firm intention of settling the difficulties existing between the three sister republics, and adjusting every claim on equitable grounds to all parties.

WASHINGTON, D. C., *February* 16, 1881.

No. 428.

Mr. Evarts to Mr. Suarez.

Confidential.] WASHINGTON, *February* 17, 1881.

MY DEAR SIR: I have to acknowledge the receipt from you of various communications in writing on the subject of the restoration of peace between Chili and Peru, and the submission of practical data on which to base a settlement. In the conference you have had with me, you have still further presented your ideas with reference to the financial aspects of the question, as set forth in a certain "programme for mediation between Peru and Chili," as well as in other papers exhibited to me.

In view of these statements so made by you, I have thought it proper to bring the matter to the knowledge of the United States minister at Lima, by an instruction of to-day's date, in which I communicate to Mr. Christiancy a copy of the programme, and acquaint him with the observations I made to you, on the occasion of our last conference, to the effect that I am always ready to press the mediation of this government towards early and honorable peace between the belligerents; that the financial facility and aid which the private interests you represent can furnish toward a liquidation of the pecuniary obligations that the war may have created, and which may need to be met, are calculated to assist the restoration of peace; that, in this light, they would be laid before the United States representatives in Peru and Chili; and that any future responsibility of this government can only be determined by actual negotiations between the belligerents asking this government to assume them. If, when you reach Peru, you should have occasion to call upon Mr. Christiancy, showing him this letter, you will find him in possession of the subject.

I am, &c.,

WM. M. EVARTS.

No. 429.

[Translation.]

Mr. F. de P. Suarez has the honor to transmit to the Secretary of State this copy exclusively for his personal use.

Strictly personal.] WASHINGTON, *February* 18, 1881.

To Mr. GUILLAUME,

President of the Committee of French Bondholders:

MY DEAR MR. GUILLAUME: I send you herewith my latest correspondence with Mr. Evarts. You will thereby see that I constantly place myself upon the ground of the Monroe doctrine, which is certainly the firmest one when questions are concerned which are connected with the international policy of the United States.

Mr. Evarts does not think it consistent with the mission of the United States in the New World to enforce its decisions by compulsion, unless this should be necessary for the protection of republican institutions, or for the defense of the political and commercial future of the United States against the attacks of its enemies.

Mr. Evarts does not think that the time has come to use force in support of the mediation of the United States against the will of the republics of the Pacific. He is, however, quite willing to renew his efforts in behalf of the restoration of peace, and, to this effect, he sends a special messenger by the steamer which sails on the 19th instant, with dispatches to the American ministers at Lima, Santiago, and La Paz, and with instructions to seek most earnestly to convince the belligerents of the necessity of terminating a fratricidal war which has already been attended with such terrible consequences, and which must end in the utter exhaustion of all three republics.

Mr. Evarts commends the programme of the Crédit Industriel to the consideration of the ministers. He regards the said combination as a means which may aid considerably in settling the financial difficulties of the situation. Mr. Evarts recommends his agents to utilize, the case arising, the co-operation of the Crédit Industriel. In short, the Government of the United States, while recognizing the importance of our programme, will confine its action to lending its moral support to that programme.

As to the *rôle* of an international trustee, Mr. Evarts thinks, with justice and reason, that it would be neither fitting nor proper for the United States to seek such a position. Nevertheless the United States would willingly accept it if, in the course of the negotiations for the restoration of peace, the parties interested were to agree upon that point.

As to the rest, you will get a correct idea of the views of the Secretary of State by reading the inclosed copy of a confidential note which I have this moment received.

I must apprise you that, in order to render the grounds for American intervention more evident, and fully to justify the dominant attitude of the United States Government in the Pacific question, I have thought it right and proper verbally to promise Mr. Evarts that the agency for guano and nitrate in the United States should be placed under the patronage of a first-class American house.

Accept, &c.,

FO. DE P. SUAREZ.

No. 430.

Mr. Suarez to Mr. Evarts.

NEW YORK, *February* 19, 1881. (Received February 23.)

SIR: I have the honor to acknowledge the receipt of your interesting

confidential note, dated the 17th instant, contents of which I transmit by to-day's mail to my principals.

I beg also to inclose copy of my cablegram to the "Crédit Industriél" and their reply, signed by Mr. Rostaud, one of the directors.

As soon as I will reach Peru, I will communicate with Mr. Christiancy, and be sure, sir, that I will assist in every way to bring about peace and to secure to the American flag its due supremacy in the political and commercial relations of the South American republics.

Be pleased to accept, sir, my sincere thanks for your courtesy and kindness, and at the same time the assurance of my highest consideration.

FRANCO. DE P. SUAREZ.

[Telegram.]

Private.] WASHINGTON, *February* 17, 1881.

To TIBARVEL, *Paris:*

Etienne with fresh instructions to press restoration of peace. *Acte* will be submitted to their representatives to be useful towards bringing about peace. *Paul* thinks better wait until negotiations are reopened for parties; ask *Pierre*, trustee. Authorize me to go south; steamer leaves Saturday. Immediate answer required to notify *Paul*. Cable funds for trips. *Charles* absent.

FELIX.

Reply from the "Crédit Industriel."

To FRANCISCO SUAREZ,
Washington:

Partez pour Peron credit cinq cents dollars chez Lavenburg New York *un* et *deux* d'accord pour agir ensemble en vue de paix.

ROSTAUD.

Etienne.—Agent of the American Government, going to the Pacific in connection with the mediation affairs.
Paul.—The Secretary of State of the United States.
Pierre.—The Government of the United States.
Charles.—Mr. le Comte de Montferrand.
Felix.—Mr. Suarez.
Acte.—Programme of the "Crédit Industriel."
Tibarvel.—Crédit Industriel.
Un.—English Government.
Deux.—French Government.
Washington, February 18, 1881.

FRANCO DE P. SUAREZ.

No. 431.

Mr. Suarez to Mr. Evarts.

PANAMA, *February* 28, 1881. (Received April 16.)

Hon. WILLIAM M. EVARTS,
Secretary of State, Washington, D. C.:

SIR: I received so late on Friday, the 18th, the reply from the "Crédit Industriel" to my cablegram of the 17th, that I had no time to have the honor of seeing you before my departure for Peru.

Consequently I was obliged to start off, leaving at New York, in the hands of my colleague, Mr. le Comte de Montferrand, a brief note ac-

knowledging the receipt of your confidential letter dated the 17th, at the same time inclosing copies of my dispatch, of the answer from the "Crédit Industriel" and of a private communication of Mr. A. Guillaume, president of the French-Peruvian bondholders' committee, in order to prove to you that I have nothing hidden from you, and that it is my earnest intention to act, while in compliance with the instructions of the "Crédit Industriel," in perfect accord with your government, in order to facilitate the promptest restoration of peace in the South Pacific.

You may then be assured that I will devote my best efforts to secure success to your policy and lend all possible assistance towards restoring peace and harmony among the sister republics, and to promote, on new and quite solid bases, with the moral aid and support of the United States, the development and prosperity of the South American republics.

It now only remains for me to renew my sincere thanks for the frank hearing you have kindly tendered to me, and for the generous support you have thought just and proper to lend on behalf of the interests I represent.

Be pleased to accept, sir, the renewed assurances of my high esteem and most distinguished consideration.

FRANCO. DE P. SUAREZ.

No. 432.

Mr. Suarez to Mr. Blaine.

PANAMA, *March* 1, 1881. (Received March 18.)

SIR: I beg leave to call your attention to the papers which I have lately transmitted to the State Department in reference to the appeal addressed to the Government of the United States by the foreign creditors of Peru, and to the financial aid tendered by the "Crédit Industriel" to that republic, on their according with the existing contracts between said "*société*" and the Peruvian Government.

The attitude assumed by the United States on this occasion may not have been so strong and decisive as that demanded by the paramount interests at stake, but it must be remembered that the administration now yielding up the reins of government to that of President Garfield, could naturally do nothing which might hamper the action of its successor.

But the main question remains still the same, and it is due to the high mission of the United States in the western hemisphere to settle it for the benefit of liberty and civilization.

I do not doubt therefore that your government will readily indorse and further the wise policy initiated by your predecessor, and that you, Mr. Secretary, will endeavor to illustrate the new administration with the indelible glory of putting an end to the unhappy era of civil and fratricidal wars, which, opposing an insuperable barrier to the welfare and advancement of the South American republics, constitute at the same time a permanent danger to republican institutions and a cause of obstructions to universal commerce.

By this laudable course the Government of the United States will perform a twofold benefit; at once aiding the cause of peace and progress and by assisting those whose material interests are at stake, it will also win their applause and sympathies to your government as their natural friend and support; while, on the other hand, by pre-

venting the ruin and dismemberment of two lesser republics, your government will highly prove to the whole world that the dangerous and immoral doctrine, "might makes right," is not recognized on American soil.

I do hereby confirm the offers made by the "Crédit Industriel," and I do also solemnly declare that this "*société*" is ready to execute all engagements which may be imposed upon it by the desired treaty of peace, so far as they may be consistent with the basis of the financial and commercial programme submitted to the State Department, or with such modifications as the actual situation may render necessary, provided same modifications be consented to by the "Crédit Industriel."

As I have left for Lima to participate in person in the negotiations tending towards the restoration of peace, I beg to inform you that during my absence, my colleague, Mr. le Comte de Montferrand will remain charged with the official representation of the "Crédit Industriel" at Washington, and should this gentleman absent himself, Robert E. Randall, esq, will then act as the authorized medium between the Government of the United States and the "Société Général de Crédit Industriel et Commercial," of Paris, for all negotiations connected with that corporation in the financial or commercial arrangements which may bring about the wished for mediation of the United States between Peru and Chili.

I avail of the occasion to send you, Mr. Secretary, the assurances of the high consideration with which I have the honor to subscribe myself, sir,

Your obedient servant,

FRANCO. DE P. SUAREZ.

No 433.

Mr. Suarez to Mr. Blaine.

PANAMA, *March* 1, 1881. (Received March 22.)

SIR: Public opinion designates you, for your ability, firmness, and integrity, to take the helm of foreign affairs under the incoming administration.

What I have learned about you, sir, authorizes me to believe that, whether in the high post of Secretary of State or in the private councils of your honorable friend, General Garfield, your voice will always be heard in favor of right and justice.

Devoting myself to-day, at the indication and with the support of the "Société Général de Crédit Industriel et Commercial," to save two lesser republics from ruin and humiliation, I do not hesitate to appeal to you, sir, to lend your valuable assistance in order to secure an honorable and lasting peace between Chili, Peru, and Bolivia.

Even when the actual conflict is over, social, political, and commercial questions of the highest import have to be conciliated on the South Pacific coast, and no opportunity could be more favorable than the present one to settle them to the honor and advantage of American interests.

I could say nothing on this subject that your acknowledged intelligence has not yet carefully studied and mastered.

All naturally presume that you mean to follow in the path traced for all true patriots by the fathers of American Independence, and that, in regard to the foreign policy of the United States, you will stand firm by the principles advocated by Jefferson and Monroe.

Thus, sir, you cannot remain indifferent to this appeal, and it would be productive of the liveliest satisfaction to the very powerful corporation I represent and, of course, to myself, if your influential intervention be employed towards bringing about the mediation of the United States on behalf of Peru and Bolivia, and protecting them against the unjust and tyrannical pretensions of a merciless foe.

Should you require any further and detailed information referring to the above matter Mr. le Comte de Montferrand, my colleague, or, in his absence, Robert E. Randall, esq., will readily afford you the same.

I take the opportunity to assure you, sir, &c.,

FRANCO. DE P. SUAREZ.

No. 434.

Count de Montferrand to Mr. Hitt.

[Translation.]

LEGATION OF FRANCE.

Port-au-Prince, Hayti, April 22, 1881. (Received May 6.)

Mr. ASSISTANT SECRETARY: You were pleased to authorize me to remain in communication with you on the subject of the proposals made by the "Crédit Industriel et Commercial," with a view to facilitating the conclusion of financial arrangements between Chili and Peru.

On the occasion of the interview which you were pleased to procure for me with Mr. Blaine on the 2d instant, I stated that the Industriel Crédit, or the "Société du Pacifique," which is the outcome thereof, was ready to discuss any modification that might be thought proper in the programme originally proposed. In the conferences which I had with you, either before or after the audience with Mr. Blaine, I went so far as to add that the case might arise in which the Pacific Company might be called upon to work, even for the account of Chili, the territories ceded or given as a pledge by the treaty of peace that should be concluded, and that to the greatest advantage of Chili.

This view of the case was cordially shared at Paris, as is shown by the letter herewith inclosed. The managers of the Pacific Company say in that letter (see last paragraph):

> As the interests which we represent are not exclusively those of any of the countries engaged in the war, our desire is to maintain, as far as possible, the most friendly relations with both Peru and Chili. To this end we have sent M. de Lacretelle to represent us near the latter government, and he sailed a few days since for Valparaiso &c.

This letter bears date of March 11. I shall be grateful to you if you will return it to me; nevertheless, should you need to retain it, in order to furnish positive evidence, either to Mr. Blaine or to Mr. Martinez, that the Pacific Company is disposed to lend its co-operation to Chili as well as to Peru, I am willing that you should do so, notwithstanding its personal character.

This must put an end to all apprehensions lest one country may be favored in preference to another by an indorsement of our programme.

I do not insist upon the solidity of the co operation offered by the Pacific Company. That point is beyond discussion. I desire, however,

respectfully to inquire whether you do not think it would be well to induce Mr. Blaine to give to the United States minister at Valparaiso instructions similar to those given by Mr. Evarts to Mr. Christiancy.

Be pleased to present my respects to Mr. Blaine, and to accept the assurance of my high consideration and of my gratitude for your very kind courtesy.

CH. DE MONTFERRAND.

[Inclosure—translation.]

[Compagnie Financièré et Commerciale du Pacifique; Société anonyme au capital de 30 millions Siege Social, 66 rue de la Chaussée d'Antire. Bureaux Provisoires, 70 bis rue de la Victoire.]

PARIS, *March* 11, 1881.

SIR: The president of the General Industrial and Commercial Credit Company has advised us of your speedy departure from New York for Hayti.

We are instructed by the board of the Financial and Commercial Pacific Company to thank you for your intelligent and enlightened co-operation.

We hope that the mission which has been entrusted to you will tend to diminish, to a certain extent, the difficulties with which we have to contend in America.

Since the latest dispatches received by you, arrangements appear to have been made between France, England, and Italy, the governments of which countries are disposed to unite their efforts for the protection of the interests of their subjects engaged in the Chilo-Peruvian question.

Instructions in this sense have been sent by these countries to their representatives in South America. Although Germany has not yet seen fit to take part in this movement, this reserve must be attributed to the ignorance of that government concerning the attitude to be assumed by the United States. That attitude, sir, is better known to you than to any one else. A *résumé* thereof, is, moreover, contained in the last letter addressed to you by Mr. Evarts, the late Secretary of State, a copy of which you have sent to us. We, therefore, hope that, in view of the favorable disposition which appears to have been manifested by the United States towards the financial programme of the Industrial Credit, Germany will decide to abandon the expectant attitude which she has thus far maintained, and that she will consent to take joint action with the other continental powers.

As the interests which we represent are not exclusively those of any of the countries engaged in the war, our desire is to maintain, as far as possible, the most friendly relations with both Peru and Chili. To this end we have sent M. de Lacretelle to represent us near the latter government, and he sailed a few days since for Valparaiso. We have accredited him to the Messrs. Gautreau, our general agents, who have an establishment at Valparaiso, and one at Lima, and we have advised him of the departure of M. de Suarez for the latter city, so that he may correspond with him, if necessary.

Be pleased to accept, sir, the assurance of our most distinguished regard,

A. AUBRY,
L. Z. AAM,
Managers.

Count DE MONTFERRAND,
Director of the bank, Hayti.

No. 435.

Mr. Suarez to Mr. Blaine.

Confidential.]

WASHINGTON, *May* 3, 1881. (Received May 11, 1881.)

SIR: I have the honor to communicate that which I deem a most important dispatch, which I received yesterday afternoon. As time is an essential element, and as my principals in Paris request me to make prompt answer as to the views and wishes of your government,

will you kindly advise me what answer I shall make? The same will be strictly confidential in regard to the disposition of the United States to have the co-operation of the European powers in order to secure peace on the "programme" I have had the honor to submit to the State Department.

I avail myself, &c.,

FRANC'O DE P. SUAREZ.

[Cablegram, dated Paris, May 2, 1881.—Translation.]

(Confidential.)

To SUAREZ, *care French Legation, Washington:*

1 (*i. e.*, French Government); 2 (English Government); Italy, probably, and Germany will act in concert if 3 (*i. e.*, American Government) will make overtures to them. Conditions to have regard to financial interests and contracts of 6 (Crédit Industrial). Reply by cable, with address.

GUILLAUME.

[Cablegram, dated Paris, May 2, 1881.]

(Confidential.)

To SUAREZ, *soins Legation, France, Washington*:

1 (*i. e.*, French Government), 2 (*i e.*, English Government), Italie, probablement Allemagne Marcheront si; 3 (*i. e.*, American Government), leur font des ouvertures. Conditions respecter interêts créanciers et contracts; 6 (*i. e.*, Crédit Industriel). Réponse télégraphique, avec adresse.

GUILLAUME.

No. 436.

Mr. Suarez to Mr. Blaine.

Private.] 503 THIRTEENTH STREET, NORTHWEST,
Washington, D. C., May 28, 1881. (Received May 31, 1881.)

SIR: I have the honor to inclose to you a duplicate of my letters of credence to your predecessor, the Hon. W. M. Evarts.

My colleague, Mr. le comte de Montferrand, having been called abroad to fulfill another mission, I have remained here in sole charge of the commission therein referred to.

I take this occasion most respectfully to call your attention to the confidential letter addressed to me by the Hon. Mr. Evarts, dated on the 17th of last February, relating to the programme submitted to your Department by the Credit Industrial, and expressing his impartial views on the subject.

Circumstances have made its adoption more imperative, and your favorable action will surely meet with the approval and support of all the European powers whose subjects' interests are at stake, and of the belligerents themselves, who are longing for peace, and will heartily welcome it as a blessed boon.

I beg to renew you, sir, the assurances of my highest consideration.

FRANC'O DE P. SUAREZ.

Mr. Durrien to Mr. Evarts.

[Translation.]

SOCIÉTÉ GÉNÉRALE DE CRÊDIT INDUSTRIEL ET COMMERCIAL,
Paris, December 29, 1880.

SIR: We have the honor to accredit to you the Count de Montferrand and Mr. F. de P. Suarez, whom we have directed to repair to Washington to treat with you upon the subject of the part which we are to take in the financial and commercial arrangements which may be consequent upon the mediation of the Government of the United States between Peru and Chili.

Be pleased to accept, &c.

H. DURRIEN,
President.

Mr. Durrien to Count Montferrand and Mr. Suarez.

[Translation.]

[Société Générale de Crédit Industriel et Commercial, 66 rue de la Chaussée d'Antin et 72 rue de la Victoire.]

PARIS, *December* 29, 1880.

GENTLEMEN: A dispatch which we have just received from the United States requests us "to authorize our delegates to submit to the secretary of state for foreign affairs the financial and commercial programme which is designed to serve as a basis for the mediation of the United States between Peru and Chili."

We thought that the letter addressed to Mr. Randall would be sufficient to make known our views on this subject, and that, at all events, the powers which are in your possession fully authorized you to submit, in our name, to the United States Government the declaration which it seems to desire.

Nevertheless, we now, for the purpose of meeting every emergency, reconfer upon you the powers already given, and authorize you to make, in our name, any official communication to the Government of the United States relative to our intervention as regards the carrying out of the programme of mediation of which we have sent you a copy.

Be pleased to accept, gentlemen, the assurance of our distinguished consideration.

H. DURRIEN,
President.

To COUNT DE MONTFERRAND and Mr. F. DE P. SUAREZ,
Washington:

No. 437.

Mr. Hitt to Count Montferrand.

WASHINGTON, *June* 10, 1881.

DEAR SIR: Your interesting letter of the 22d April, arrived during my absence from the country on a short visit to Paris, and I fear that the delay in responding to it may have created in your mind an impression that your communication had been neglected.

The information you communicate in regard to the disposition and purposes of the Pacific Company, as fully shown in the letter of their administration accompanying your own, agrees with the statements made by you at Washington, and their intention of maintaining friendly relations with both Peru and Chili is manifest. I am so recently arrived that I have not yet had opportunity to discuss the questions which are the subject of your letter with either the Secretary of State or the representatives of those countries. I will, however, take pleasure in calling the attention of Mr. Blaine to the suggestion made at the con-

clusion of your letter in regard to the advisability of the instruction you indicate for our representative at Valparaiso.

Please accept the assurances of my high considerations &c.,

ROBERT R. HITT,
Assistant Secretary.

P. S.—I inclose to you, in accordance with your request, the letter from the administrators of the Pacific Company to yourself.

No. 438.

Mr. Suarez to Mr. Blaine.

1334, G STREET, NORTHWEST,
Washington, D. C., December 5, 1881. (Received December 16.)

SIR: I beg you, before you leave the Department of Foreign Affairs, to have the kindness from sending to me an answer in writing to the papers I have had the honor to address to your department on the Chiloperuvian question.

On making this request, I beg leave to call your attention to the following facts, namely:

1st. That the company I represent is the *only one* which has not deserted Peru in her hours of distress.

2d. That said company is the *only one*, having strong connections with high standing American houses for the management and sale of the Peruvian guano and nitrate in all the markets of the world.

3d. That said company is the *only one* which has appealed for aid and comfort from the Government of the United States, as the regular and natural protector of European interests in America.

In accordance with these views, a financial programme was respectfully submitted by the company to the State Department since January last, and as I have had the occasion to state to you, such programme justly received the approval of your predecessor, the Hon. W. M. Evarts, who kindly recommended to the consideration of the American ministers at Lima, and at Santiago.

Said company still maintains its programme, and it is ready to execute it, subject, however, to the modifications required by the actual condition of affairs, and as it will be determined in the long-wished for treaty of peace.

It is the only way to conclude a rational adjustment of the difficulties existing existing between Chili and Peru.

It is the only way to bring about an honorable and permanent peace between the belligerent republics.

It is well known to-day that the unhappy conflict risen up between Chili, Peru, and Bolivia has simply been a wild struggle for business, a mere commercial speculation in which many financial societies have gone in as a stock-jobbing enterprise, with the well-defined intention of securing to an Anglo-Chilian association the management and control of the guano and nitrate business to the prejudice of other parties, holding previous claims on the same, by virtue of legal contracts entered into with Peru, and in which, as I have stated, respectable American houses are directly interested.

Finally, said company, earnestly hopes that the Government of the United States will agree to act in this affair as "international trustee"

in order to afford to the whole world the security that the engagements taken by the company, and by all the parties to the treaty of peace, will be strictly and faithfully executed.

Your reply, sir, will be on your part an act of justice as well as of benevolence to me, and it will permit me to prove to my principals that I have done my duties, to the best of my ability, toward them and toward Peru.

I take this occasion, sir, to renew to you the assurances of my most distinguished consideration.

FRANC'O DE P. SUAREZ.

No. 439.

Señor Suarez to Mr. Frelinghuysen.

Private.] 1334 G STREET, NORTHWEST,
Washington, January 13, 1882. (Received January 16.)

SIR: I beg leave to call your attention to my private correspondence with your Department on the existing difficulties between Peru and Chili, and, most especially, to the financial programme submitted to the Department of State by the company I have the honor to represent. All the papers concerning the same are on file at the Department of State, and you will easily see by their contents that it is calculated to further an honorable and reasonable adjustment of the pending questions.

It seems unquestionable to me that the earnest desire of your government is to prevent, so far as possible, the violent dismemberment of Peru, and that all its efforts, are directed toward friendly bringing about an honorable and lasting peace between the belligerent republics.

It is equally true, in my humble opinion, that so noble a purpose could never be realized, unless Peru is so properly assisted as to be enabled to meet all her national standing obligations.

In fact, while victory has vested upon the conqueror certain rights which must be respected, without sheer injustice or unnecessary humiliating sacrifices to the conquered, it is not to be forgotten that there are, on the other hand, solemn pending engagements, *previous to the present war*, contracted by the Peruvian nation toward her foreign creditors.

The re-establishment of constitutional order, and the recognition of Admiral Montero by the whole of Peru as President of the Republic—both being facts of the highest importance, indeed, and both, it is just to say, mainly brought about by the wise, firm, and thoroughly American policy pursued by General Hurlbut—offer to the Government of the United States the most brilliant occasion,

To perform the office of a friend to all the parties in this unhappy conflict; to carry into effect that friendly intervention, by which Peru might be enabled to meet the conditions which would probably be imposed, and to use its influence solely in the interests of an honorable and lasting peace.

To render easier and more practical the solution advocated by the Government of the United States, has been the main object of the financial programme herein referred to.

This programme is not a wild scheme, founded on fabulous litigious or spurious claims, set forth by an unknown syndicate.

The said company has nothing to do with the national politics of any of the belligerent powers, and it is not its intention to monopolize to its own advantage any special trade, in opposition to the rightful interests of universal commerce. Indeed not.

The "Société Générale du Crédit Industriel et Commercial" and their assignees the "Compagnie Financière et Commercial du Pacifique," of Paris, are both respectable and powerful companies, regularly organized. They represent a large majority of the creditors of Peru, and they have at their command all the financial resources required for the faithful fulfillment of any engagements they may undertake under the above-mentioned programme.

Allow me, sir, to complete this statement by adding that the legation of the United States, in France, can forward to your department whatever information you may deem necessary concerning the financial standing of said companies, about the legal character of their well-established rights, as well as in regard to the high honor of their boards of directors, and to the commercial importance of all the banking houses connected with the same.

Briefly, these companies are not looking after monstrous or impracticable contracts. On the contrary, their only aim is to protect the rights of the Peruvian creditors and their legitimate and long-established claims to priority on the guano and nitrate deposits of Peru against any treaty obligations between the belligerent republics tending to impeach those rights and claims, as it seems to be involved in the monstrous pretensions set forward by Chili under the inadmissible principle that "might is right."

Their programme and their honest expectations are founded on valid and solemn contracts, entered into long ago with the Peruvian Government for the management and working of the guano and nitrate deposits belonging to Peru, and regularly and specially pledged to her national creditors.

Moreover, Peru, whose national interests are at stake, has a paramount right to be heard on this momentous question, and should you deem proper to make some inquiries on the subject, the Hon. I. Federico Elmore, minister of Peru at Washington, will readily transmit you all necessary information concerning the legally binding contracts existing between Peru and the "Compagnie Financière et Commerciale du Pacifique," in whose behalf have been duly transferred all the privileges and rights granted by previous contracts entered into with the "Société Générale de Crédit Industriel et Commercial" of Paris, and with the "Peruvian Guano Company, Limited," of London.

To-day this company (Compagnie Financière et Commercial du Pacifique), on the faith of its contracts, and with the expressed consent of Peru and of her creditors, steps forward and declares itself ready to take charge of the payment of the war indemnity due to Chili, subject to the conditions stated in its programme.

This programme has been carefully prepared, and it is intended to provide, in a fair and equitable proportion, for the pecuniary obligations previous to the present war, and for those which would probably be imposed on Peru, as the price to be paid for peace, namely:

1. The payment to Chili of a reasonable war indemnity.
2. A royalty to Peru.
3. The service of the Peruvian foreign loans.
4. The service of the Peruvian nitrate bonds.
5. The payment of Dreyfus's credit.

6. The redemption of any other pending claims duly and legally settled and recognized by the Government of Peru.

Now, then, in order to avoid misunderstandings and abuses of any kind whatever, the "Compagnie Financière et Commercial du Pacifique" proposes to conduct the Peruvian guano and nitrate business under the trusteeship of the Government of the United States, and at the same time under the immediate control of a special committee, whose members shall be appointed by the Governments of Peru and Chili, and by the Peruvian creditors representing the guano and nitrate debts of Peru, and having adhered to the foregoing programme.

This arrangement will impart to the company the character of an international corporation, and afford to all parties the strongest security in regard to the strict and faithful execution of the contracts, which are the legal foundation of said programme.

But, as you will very easily understand, a European company cannot undertake to fulfill so serious engagements unless the immense interests entrusted to their care and management, should be duly protected against all future complications.

Now, then, bearing in mind the official declarations lately made by your government, it will be unwise to expect that protection without the moral guarantee of the United States, under the form determined in my communication, dated December 5, 1881, and more fully stated in the present one.

The adoption of said programme will afford to Peru the means for preserving her territorial integrity, and at the same time it will satisfy Chili in regard to the payment of the war indemnity.

Our combination will secure besides to the Peruvian treasury a sufficient income to provide for the expenses of the national government, and to develop slowly but surely the natural resources of the republic.

Said combination will, furthermore, give full satisfaction to all the Peruvian creditors, as it will undoubtedly constitute the strongest guarantee they could have for the maintenance and protection of their indisputable rights over the guano and nitrate deposits of Peru.

The object of this financial programme being to facilitate the accomplishment of the noble purposes fostered by the Government of the United States I beg leave to renew to you my requests, in order to duly inform my principals on the subject.

The spirit and letter of the official dispatches, dated June 15, 1881, containing the instructions given to the ministers of the United States to Peru and Chili, do not leave the least shadow of a doubt in regard to the nature and tendencies of the friendly efforts of your government toward restoring peace on honorable and just terms between Chili and Peru.

The instructions to General Hurlbut say:

> If you can aid the Government of Peru in securing such a result you will have rendered the service which seems most pressing. Whether it is in the power of the Peruvian Government to make arrangements at home or abroad, singly or with the assistance of friendly powers, which will furnish the necessary indemnity or supply the required guarantee, you will be better able to advise me after you have reached your post.

And further on:

> *If, upon full knowledge of the condition of Peru, you can inform this government that Peru can devise and carry into effect a plan by which all the reasonable conditions of Chili can be met without sacrificing the integrity of Peruvian territory, the Government of the United States will be willing to tender its good offices toward the execution of such a project.*

While, in his instruction to General Kilpatrick, the honorable Secretary of State, earnestly recommends to the late American minister at Santiago:

In any representation which you may make, you will say that the hope of the United States is that the negotiations for peace shall be conducted, and the final settlement between the two countries determined without either side invoking the aid or intervention of any European power.

Contrary to these declarations, the honorable Secretary of State, in a later dispatch to General Hurlbut, dated 19, 1881, peremptorily asserts:

However trustworthy the Crédit Industriel may be, I did not consider it proper for the Department to have anything whatever to do with it. It is a foreign corporation, responsible to French law, and must seek its patronage and protection from France.

At the same time it is no part of your duty to interfere with its negotiations with the Peruvian Government. If it can be made an effective instrumentality to aid that unhappy country in its prostrate and helpless condition, it would be ungenerous and unjust to obstruct its operations.

This assertion, so widely opposed to the emphatic declarations embodied in the official instructions given to the United States ministers at Lima and Santiago, goes to prove how important it is for the due protection of my principal's rights to know at your earliest convenience, the views of your Department in regard to their programme.

My request is entirely in accordance with the formal declarations of your Department.

To lend its moral support to a programme accepted by Peru and by a large majority of her creditors, and to agree to act as "international trustee" in its faithful execution, cannot be objected to on any ground whatever.

Such course on the part of the United States, far from being considered as an uncalled for interposition, will be most assuredly welcomed and supported by all parties as the only practical means to preserve peace and order, and, therefore, to promote progress and prosperity among the South American republics.

The Government of the United States, having openly declared its intention not to lend its consent "*to the aid or intervention of the European powers in the final settlements of American disputes*," has assumed *ipso facto* the imperative duty of protecting European interests against any dangers or risks arising from the yet unsettled political condition of the Spanish American republics.

Otherwise, as I have stated before, it will become a most pressing duty on the part of the European powers to lend to their own national interests all necessary aid and protection, without the Government of the United States having a right to protest against a course which its own action will entirely justify, and which simply aims at the peaceful development of universal commerce without interfering in any way with the political institutions of the New World.

You must bear in mind that the action of the United States represents a very important factor in the solution of all South American questions, and my principals, therefore, having considerable interest at stake, desire to know (so far as you may deem proper) the views of your government, in order to regulate according to them their own course in their financial arrangements with Peru and Chili concerning the payment of the war indemnity and the fulfillment of all other pecuniary obligations specified in the herein-mentioned programme.

I entertain, therefore, the earnest hope that your government will kindly recognize the justice of my request, and, consequently, that it

will equally agree with me on the expediency of "*tendering its good offices toward the execution of such a project*," thus contributing to the early conclusion of a treaty of peace in that spirit of equity, amity, and concord so highly recommended by your government in its official instructions and dispatches to the ministers of the United States to Peru and Chili.

I take this occasion, &c.,

FRANCO. DE P. SUAREZ.

No. 440.

[Translation.]

Note on the Peruvian loans and on the possible solution of past contracts by "The Financial and Commercial Company of the Pacific."

The loans contracted in Europe by Peru amount to:

	Loans.	Interest.	Amortization.
Issue at 6 per cent., 1870, exacted annually	£11, 920, 000	£673, 200	£238, 400
Issue at 5 per cent., 1872, exacted annually	23, 215, 000	1, 160, 750	464, 300
Total	*35, 135, 000	1, 833, 950	702, 700
Nominal value, demanding annually			††2, 536, 650

*878,375,000 francs.
†63,416,250 francs.
‡Loaned Pisco to Pea nominally of £290,000, on which £25,320 is amortized.

From the very text of the title deeds it results incontestably that all the revenues of the republic, created or to be created, and specially the deposits of guano have been hypothecated to form a guarantee of these loans.

A subsequent decree (November 14,'73) not only confirms this hypothecation, but gave it also a practical sanction by granting to the holders of the deeds the right to charge the quantity of guano sufficient for the guarantee of payment of the interest and the amortization of their bonds. And, finally, a diplomatic circular, dated January 11, 1876, added to the guarantee of the guano a special assignment on the products of the nitrates.

The prospectuses of emission declare that there are sold annually at least 500,000 tons of guano in the markets of Europe and the colonies, specially reserved for the subscribers, and, thanks to the monopoly system, the price of each ton was invariably £12 10*s*., which, less the expenses, interest, and commission (about £5 10*s*. per ton), leaves a net annual product of £3,500,000, say, for the service of the debt £2,536,000, assigning to the government for its share the sum of £964,000, say, about £2 per ton, cash.

The success of the guano of Peru did not prevent the existence of an interloping industry, and soon agriculture was solicited by manufacturers of intermediate chemical manures (phospho-guano and others), often, with little scruple, offering their productions at lower prices. These speculators, by a kind of deception of the eye, assimilated their productions to guano, declaring that they contained the same elements as the latter, taking good care to add that guano is so complete in itself that it cannot be artificially composed.

This competition, to which may be added in a large proportion that of the nitrate, resulted in diminishing the sum total of the sales of guano, but not being able at first to modify the price, inasmuch as the elements constituting this manure were really offered to the agriculturist at a lower price than that of the chemical composts. As to the sum of the sales of guano, their decline stopped, and the sum of the sales seemed definitely fixed at about 300,000 tons annually.

With a sum of sales of 300,000 tons instead of 500,000, the Peruvian Government could not keep its engagements, even supposing (which it could not bring itself to for fear of internal complications) it should abandon the personal revenue which it had always reserved from the product of this manure. It proposed then to its creditors to accept a reduction of their interest to 3 per cent., in order to balance the expenses and the receipts, allowing to itself a royalty sufficient for its necessities of £700,000 annually.

On the other hand, it offered them, by an official circular of January 11, 1876, to add to the guarantee of the guano, that of the nitrate.

An arrangement was made on these bases, which was accepted by the bondholders on the 10th of June, 1876, and regulated by a law of Congress of February 3, 1877. It was moreover agreed that the new arrangement should not be taken up until after the 1st of January, 1879, in order to leave Peru time to liquidate other debts already in litigation.

Unhappily, a new fact was to render unrealizable all the promises made, and even to place the guano trade in very unfavorable conditions to the interests of agriculture.

While the sale of guano had been monopolized, the price had been uniformly held at £12 10*s.* per ton, and the seller should, as much to get this price as to maintain his customers, whose patronage was solicited by the counterfeit articles, by exercising a rigid inspection, form a mixture of the different qualities, so as to obtain a uniform standard invariably good and acceptable to the consumer, who, in case of error or deception, would know then to whom to apply for redress.

Comprehending badly this situation, or hoping to sell more by changing the previous system, the Government of Peru destroyed the monopoly, and agreed that the guano should be sold by analysis, as a fabricated chemical composition.

The sales remained stationary, for even badly managed guano could not fall in the estimation of the agriculturist by reason of its unique qualities, but the prices fell from £12 10*s.* to £8 10*s.*

Beside, the mixture, which being no longer made by a single seller, was tampered with by manipulators, who added foreign substances to guano in order to augment their profits; and, thanks to the multiplicity of the new and irresponsible intermediaries, making the sales by three or four hands, the baffled consumer no longer knew who to hold responsible for the adulteration of which he had become the victim.

The result of this state of things was for the agriculturist the disappearance of all guarantee, and for the bondholders the indefinite loss of all revenue.

In view of the constant and well-founded complaints of agriculturists and of her creditors, the Government of Peru was forced to recognize the grave error they had committed in establishing competition upon its own product—a competition which, beside having brought about a decline in prices, had considerably augmented the expense of transportation, warehousing, and other things.

The Congress also voted on the 10th of October, 1879, a law which authorized the liquidation of the last two contracts, in order to reconstitute the monopoly of the sale of guano, for the account and to the profit of the Peruvian bondholders.

On this ground the understanding was so easy that they rapidly reached a solution, and that a contract was concluded January 7, 1880, between the commissioners of Peru and the Crédit Industriel et Commercial, whose moral and financial co-operation had been solicited by the committee of bondholders, and who had agreed to lend it on the same basis of the decree of November 14, 1873.

But a revolution had occurred at Lima. Interpreting ill the intention of the Crédit Industriel et Commercial, as well as of its colaborers, which it considered as being hostile, from the sole fact that they had concluded and defended a past contract with its political enemies, the new chief of the Peruvian Republic suspended the execution of the contract of January 7, 1880, under the pretext that the said contract bore in certain clauses injury to the dignity of the state.

Explanations followed and a reconciliation took place, which settled the questions in litigation (contracts of the 1st and 8th of February, 1881), by constituting the Compagnie Financiére et Commercial du Pacifique, created by the Crédit Industriel, first, trustee of the Peruvian bondholders; second, liquidator of the last consignees; third, exclusive vendor of guano, that is to say, conferring upon it the rights and giving it the means to satisfy the legitimate claims of the creditors and of agriculture, by the reconstruction of the monopoly.

In the interval which passed since the first decisions of the Peruvian Congress there occurred a grave complication, that created by the war between Chili and Peru.

Chili fearing that the negotiations commenced by Peru with the Crédit Industriel, supported by the bondholders, would only result in restoring credit to her enemy, and consequently permitting her to find resources to defend herself, commenced an urgent campaign, in which, announcing the victory, it menaced with reprisals those who should treat with Peru.

The threats being insufficient and to the end of securing public favor, Chili, through means of her minister in Europe, declared that it would do what Peru had never done, that it would respect the pledges of the foreign creditors of that state, and it authorized the said creditors to work the guano, under the sole reservation of paying a simple rent to Chili, varying from £1 to £1 10*s.* according to the price obtained, engaging even to this, that "in any agreement of price that might be signed with Peru the government would endeavor by all means in its power to guarantee the confirmation of this arrangement, its permanency and its extension to all the guano deposits of Peru." (Public declaration of Mr. Blest Gana, minister of Chili in Europe, dated January 30, 1880, articles 1, 4, 6.) This declaration was confirmed by a decree dated February 7, 1880, promulgated the 25th of the same month on the invaded territory.

English public opinion received these declarations and decree with enthusiasm. On the continent they were more reserved and they waited. They did well, for on the 10th of November, 1880, there appeared a diplomatic circular already printed, in a less grand spirit of generosity. It read, in fact, upon the subject of the conferences of Arica, in which the attempt at mediation of the United States failed before the Chilian demands.

The cession of territory should include, on the part of the victorious country, the recognition of all the hypothecated charges given by the Government of Peru in favor of the foreign creditors, and the rights of the bondholders over the guano products should be respected by the reservation of a moderate royalty.

As it may be remarked it is no longer a question of the primitive sum imported of £1 to £1 10*s.* per ton, but by an increase of precaution, and in fine to prepare the mind for still greater pretensions, a new diplomatic circular is issued the 24th of December, 1880, to determine the exact bearing of the above-written phrase from the circular of November 10:

This phrase has given rise to erroneous interpretations. * * * Some persons have thought, without considering the peculiar circumstances, except in one absolute manner and under a form of declaration of principle, the circular of November 10 served to define the rights of the creditors. * * * This phrase is the indication of a fact which should have been presented if the allies had accepted all the conditions of which it made mention (conditions of peace proposed at Arica). * * * Mais it did not constitute the recognition of a right, as some had supposed, * * * The breaking off of the negotiations leaves things in their former state, so that the rights that certain persons could allege, and referring to the territory of Tarapaca, would be regulated according to the rules of international law.

How does Chili interpret international law? Is it conformably to the principles admitted by French, English, or even Peruvian jurisconsults.

The annexing country is held to respect the real rights conceded by the dispossessed state, on the territorial domain of which it becomes proprietor, if those rights have been regularly acquired and maintained according to the existing laws. It finds itself in regard to them in a position analogous to that of a third holder of real estate, hypothecated or burdened with usufruct; the annexor is even obliged to respect the personal rights applicable to territorial domain and relative, for example, to their exploitation by individuals.

Now see the last public declaration of the Chilian minister in Europe concerning the guano deposits:

JANUARY 24, 1881.

My government, as a belligerent, holds the guano deposits situated on the coast of Tarapacá, and in its quality of a sovereign state it has the right to dispose of said guano as it chooses.

On comparing these different documents it appears that the protestations of respect for the rights of Peruvian bondholders made by Chili at the beginning of the war have been but a weapon—a means of ruining the credit of Peru and preventing her from finding resources; but to-day Chili dreams of but one thing, to appropriate exclusively the rich conquered provinces in order to balance her budgets; to redeem the paper money with which she has deluged the country; to reconstruct a treasury of war for furthering her views of ambitious supremacy.

As for the Peruvian creditors, she calculates not to preoccupy herself with them by objecting that she is not their debtor, which is true, but forgetting the formal declaration of January 30, 1880, and the incontestable rules of international law.

If the European powers remain indifferent to these facts and the annexation of Tarapacá, the competition, more bitter than ever, will begin again between the guano deposits of the north, which Peru will sell through the "Compagnie du Pacifique," and the guano deposits of the south, which Chili proposes to sell through some other commission house. Now, we have explained what are and must necessarily be the deplorable results of this competition as much for the Peruvian bondholders as for the agriculturist of the Old World.

The powers of Europe are thus forced to intervene to regulate this question; but have they the right to do so?

The terms above stated, extracted from a conference of two eminent French jurists, demonstrate that this right is formal, since Chili as the annexing state is obliged to respect not only the hypothecations agreed to by dispossessed Peru in favor of foreigners on the guano and nitrate deposits, but also the personal rights of exploitation conferred upon the "Compagnie du Pacifique," with a view of executing the contracts made long before the beginning of the war.

As a first argument worth offering to Chili there are precedents which she cannot ignore.

Spain, being at war with Peru, had seized, as Chili has just done, the guano deposits of that state, but, respecting the rules of international law, she acknowledged and allowed the execution of contracts binding her enemies to foreigners, which gave rise to the following document:

[Decree dated the Chinchos Islands, April 14, 1864.]

The fleet will take possession of all the islands belonging to Peru and all the men-of-war which should attempt to prevent this act. The guano actually found upon the Chinchos Islands will be a guarantee for all sums advanced to the Government of Peru by subjects of foreign nations, under the reservation that the debt has been recognized by the Peruvian Congress at an anterior date, and that the contracts have received official sanction.

The foreign companies actually charged with the transportation of the guano might continue on condition of reporting to the Spanish Government the number of tons exported from the day that the Spanish flag should be raised over the Chinchos Islands.

Admiral PINZON.

It may be objected that intervention has no sanction but war, in case of the refusal of satisfaction of the state toward which intervention is offered.

There is no such thing at least in this present case, as is proved by the following fact which is of public notoriety.

By the terms of the above-cited decree of the 7th of February, 1880, Chili allows several corporations, so called, representative of the creditors of Peru, to export guano from the occupied deposits for sale and distribution of the proceeds to the said creditors.

The so-called representatives of the bondholders have raised such pretensions for their personal remuneration and for the privilege which they wish to exercise to that effect that it is to be feared that the proceeds of the guano, apparently destined for the creditors, will be squandered.

A third person, M. Watson, a Peruvian bondholder, then applied to the supreme court in London, in order to protect his interests and those of other bondholders, by demanding a judicial sequestration (December 10, 1880).

The master of rolls, acquainted doubtless with the precedents of the affair, acceded to the prayer of the plaintiff, and decided that all the guano arrived or to arrive, in virtue of the Chilian decree, should be sold judicially and their proceeds deposited with the court.

The Chilian Government intervenes in the person of its representative in Europe, Mr. Blest Gana, and challenges the jurisdiction of the tribunal in what concerns the acts of a sovereign state.

The master of the rolls dismissed the plea of the Chilian Government and declared that the guano, over and above the royalty of £1 to £1 10*s*., claimed by Chili, belonged to the bondholders; the sentence of sequestration must take its course.

This decision, given by a simple magistrate, established not only the rights of the Peruvian bondholders, it has a much higher bearing; it points out the path to be pursued by the governments themselves, because, to give to their intervention a sanction without being obliged to use force, they have only to allow the action of their tribunals like that of the master of rolls of the supreme court of justice in London.

In fact, upon the deposits guano, like the nitrate, has no value; it cannot be consumed. In order that the state or holder can reap the same advantage, it is indispensable that it should offer them for sale upon the markets of the Old World where the exhausted soil needs it.

Consequently, to oblige Chili to respect the rights of the Peruvian bondholders and the execution of the contracts of the "Compagnie du Pacifique," contracts which partially assure the payment of the loans, and restore to the agriculturist the lost guarantees, it is sufficient for the governments of Europe to declare to Chili that in a state of litigation created by a conflict between two sovereign states, they will permit the sequestration of the guano by their courts from the arrival of these manures upon the markets by confiding the sale to the liquidator named by the debtor state itself; that is to say to the one who can only pretend to really represent the creditors.

Another means not less efficacious offers to the intervening states. These are the difficulties of order, moral, financial, and political, which generates on the markets of Europe the issue and quotation of all loans based upon the embezzlement of pledges assigned to the European creditors.

We comprehend what, in the actual situation of Chili, may be the threats of obstacles brought to the financial operations to which it must necessarily have recourse.

There remains only one question to resolve.

If the governments of Europe have the right and the duty to protect their nationals, if they have the means to render that protection efficacious, they can only decide so to do upon condition of respecting the rights of others.

Now, it is evident that Chili, as the conqueror, has incontestable rights to a war indemnity.

To what sum can this indemnity amount? The examination of the resources of Peru can alone decide; for, whatever may be the expenses of Chili and the damages she has sustained, their reparation is equitably due only in a possible measure—this state was at liberty to engage or not in a war which might close without compensation for it.

Besides the revenue from the guano, is Peru able to find solid resources to satisfy the pretensions of Chili?

Assuredly not, for if at full peace the Peruvian Government could not do without a tax upon the guano, at the risk even of bankruptcy, with much greater reason after her military disasters, she could not live—that is to say, maintain the order necessary to commercial transactions which the whole world is interested in maintaining, except on condition of receiving an annual royalty on this same guano, say at least £1 10*s.* per ton.

It is hard to ask the Peruvian bondholders who have realized nothing for five years to reduce their receipts more than 50 per cent., say to below the 3 per cent, promised in 1876.

Finally, there exists one credit in favor of MM. Dreyfus Brothers & Co., of which they have the inalienable right to demand liquidation, towards which they receive only £2 per ton of guano instead of £5, as their contracts assured them.

On the other hand, the holders of Peruvian nitrate certificates may be asked to reduce the interest of their bonds to 5 per cent., originally fixed at 8 per cent., everybody being obliged to make a sacrifice in order to arrive at a general arrangement.

The terms thus settled, and they seem equitable, the indemnity possible to be assigned to Chili is composed of the annual surplus of the proceeds of the guano and nitrate, the charges above-mentioned being paid.

Calculate—

1. The annual proceeds of the guano, with the monopoly restored by the execution of the contracts of the "Compaignie Financière & Commerciale du Pacifique," is—

300,000 tons, at £12 per ton, average		£3,600,000
Deduct cargo expenses and freight, £4 10*s.* per ton	£1,350,000	
Royalty to Peru, £1 10*s*	450,000	
Credit Dreyfus Bros. & Co., £2	*600,000	
		2,409,000
Net		1,200,000

2. Annual proceeds of the nitrate worked by the "Compaignie du Pacifique" by the terms of the contract of January 7, 1880—

200,000 tons, at £14 a ton		£2,800,000
Manufacture, £6 per ton	£1,200,000	
Deduct freight and charges, £4 per ton	800,000	
Nitrate debt, £4,000,000, at 5 per cent	200,000	
		2,200,000
Net		600,000

RECAPITULATION.

Net proceeds of guano	£1,200,000	
Net proceeds of nitrate	600,000	
		1,800,000
To distribute to Peruvian bondholders, say 3 per cent. of their nominal capital	1,050,000	
Remuneration deducted from the proceeds distributed	300,000	
		1,350,000
Remainder available for Chili		450,000

This balance of £450,000 corresponds exactly to the maximum sum of royalty (£1 10*s.* per ton of guano) which the Chilian Government had publicly declared herself willing to contract for the present and for the future (Declaration of M. Blest Ganan, Chilian minister, on the 30th of January, 1880).

It is therefore probable that, in fixing that sum, Chili had foreseen that she could not obtain more without exposing herself to legal reclamations, and that by formally limiting itself thereto, the governments would only hold her to what it had itself originally thought reasonable.

But in compensation the intervening governments might declare to Peru and to Chili that they placed under their own direct protection all the deposits of guano and nitrate, as well as their working.

By this means, not only can Chili no longer object that the province of Tarapaca is indispensable as a boundary, since this zone would become neutral and beyond all neighboring attacks; but yet it will find par the security given to the payment of her annual royalty the means to contract, by proxy, a loan of at least £7,000,000 to £7,500,000, at 5

*After the payment of the credit of Dreyfus Bros. & Co. part of the above sum be assigned to the sinking fund for the Peruvian loans.

per cent. interest and 1 per cent. redemption, say to constitute for herself a large pecuniary indemnity after having completely redeemed her paper money.

To sum up:

The Peruvian bondholders have the incontestable right to the guano and nitrates of Peru.

The recognition and exercise of these rights can be profitable, as much for the bondholders as for the agriculturist only on the condition of limiting the demands of Chili to a simple tax on the general proceeds of the deposits neutralized and worked by the "Compagnie du Pacifique," with a monopoly, that is to say in the manner recognized as indispensable to give satisfaction to the different interests which this question has brought into play.

And to arrive at so desirable a result, the European governments need only desire it, for they possess the right and the means.

PARIS, *February* 18, 1881.

Note on the Chili–Peru–Bolivian question.

It is not for us to investigate the causes of the war between the three republics of Chili, Peru, and Bolivia. Nor does it pertain to us any more to regard the explanations furnished by each of the states in the brochures which they have had published in Europe. But that which is perfectly proper for us to do, is to point out the principles advanced by Peru and Chili. Peru, relying upon international law, has declared that she had a treaty of alliance, offensive and defensive, with Bolivia, and consequently her honor obliged her to execute it; that is to say, to espouse the cause of her ally attacked. Chili, relying upon the law of nations, has declared that Bolivia in imposing an unauthorized tax upon the exportation of products exploited from the region common to the two states, manifestly injured the interests of her national engagements in the nitrates of Antofagasta, and consequently that her duty obliges her to protect the said interests. In effect, at the moment when the two belligerents declare officially that the cause of the present difficulty consists on the one side in respect for engagements undertaken, and on the other in protection of the national interests, they cannot find fault that the same respect and the same protection should be demanded of them for the interests of others.

But it is indisputable that if the present war were prolonged, the fatal result would be the ruin of the European holders of Peruvian bonds, since Peru and Chili will arrive at that point where they will no longer be able to bear their expenses except by appropriating entire the income from their guano and nitrates, to the detriment of their creditors, whose security these products stand for; that is to say, they will violate, so far as Europe is concerned, precisely the principles which the two states in the affair have set forth as the explanation and justification of their differences. It seems, then, useful and perfectly right that a mediation or intervention be made, in the name of the principles adopted by the belligerents, to devise and obtain a solution which will be a safeguard to European interests, by every means possible. And the present note has no other aim than to show what rights are to be protected, what satisfaction can be given them, and what are the means by which the execution of the engagements may be secured.

RIGHTS OF THE HOLDERS OF BONDS OF THE FOREIGN LOAN OF PERU.

To be satisfied of the incontestability of the rights of holders of bonds of the foreign loan of Peru, secured by the deposits of guano and nitrates, the possession of which is to-day become the cause of the prolongation of the war between Chili and Peru, it will be sufficient to read the preamble of the contract signed at Paris, January 7, 1880, between Messieurs Rosas and de Goyeneche and the Industrial and Commercial Credit Society.

From such perusal it is entirely evident, as well as from after official statements annexed to the contract in support thereof, that if a power ought to intervene between the belligerents, it cannot do so equitably, except upon the condition of safeguarding the interests of the holders of the bonds in question by every possible measure.

DIFFICULTIES TO BE SOLVED.

Five principal difficulties may be adduced upon the subject of the settlement of the right of holders of the bonds of the foreign loan of Peru.

1. Who is their official representative?

There are at present four committees of holders of Peruvian bonds distributed among the principal markets of Europe, where the loan was placed, namely: one at London, presided over by Mr. Cave; one at Paris, presided over by Mr. Guillaume; one at Antwerp, presided over by Mr. Gadderis; one at Amsterdam, presided over by Mr. Wurfbain.

The English committee is hostile to those of the continent. Its president, Mr. Cave, appears indissolubly allied with the Peruvian Guano Company. This society, to which General Prado conceded in 1876 the deposit of Peruvian guano, has recently offered to Chili to become her consignee, and has broken with Peru in opposing forcibly the duty which the latter state had imposed upon it in virtue of the contract; accordingly Mr. Cave is gone to Santiago, officially charged to obtain for the Peruvian Guano Company the consignment of the guano deposits at Tarapaca upon weighty conditions for the bondholders. If one believes the revelations made on this subject in the English papers, The Standard, The Financier, and The Money Market Review, Mr. Cave seems to have completely run aground in his mission. The committee which he represents is discredited to that degree that the Times has not hesitated to advise the bondholders to look for other representatives. The three other committees are united under the direction, real or nominal, of Mr. Guillaume. They have furnished the proof of this in giving to him, since 1879, the power to negotiate in their name with Peru, and in adhering publicly to the contract signed by the Crédit Industriél, January 7, 1880, a contract partly owing, they say, to the initiative of Mr. Guillaume.

It is then logical to consider Mr. Guillaume the best authorized representative of the holders of Peruvian bonds.

However, to avoid all discussion in opposition, it is best to attribute this character to the Crédit Industriel. In effect, on the one hand this title was conferred upon it by the debtor, Peru, in the contract of January 7, 1880; and on the other hand this establishment is one of an incontestable integrity; finally, the Crédit Industriel appears to be entirely in accord with the committees of the continent, and further has the support of a very important English house.

2. Upon what basis to regulate the credit of the bondholders.

The contract signed by the Crédit Industriel, January 7, 1880, seems to offer excellent guarantees to the holders of Peruvian bonds, for it is conclusive—that which excludes the idea of future modifications, modifications of which experience has abundantly shown the danger; then it substitutes, first, for the heavy forfeit (adapted to the present, for the expenses, and payable all the same, whether the distribution is made to the creditors or not), a levy upon the net products only, distributed to the creditors; second, for the ground-rent stipulated as payment to Peru, whatever the result of the receipts, a payment *pro rata* to the amount of tons sold. Upon these bases the profits which the consignee can realize from the contract of January 7 vary from 10*s.* to 13*s.* per ton, if it sells at high prices and distributes the quintuple to the bondholders. This remuneration for trouble, care, and disbursements is not excessive. Above all, when one remembers that the last consignees were able to make £1 to £2, and even more, per ton, without in any way serving the creditors.

However, it is necessary to provide a modification for this contract—modification resulting from the necessity of giving satisfaction to the claims raised by Chili and of which the said contract has taken no account.

In this connection, and to avoid any objection on the part of either Peru or Chili, it appears politic to take for a basis of the royalty assigned to these two states for their needs the very figures which they have publicly demanded. Peru, who had the right by the contract of June 7, 1876, to an annual payment of £700,000, officially renewed it, in the middle of 1879, at £300,000, and will content herself for the future with £400,000, that which corresponds to a payment of £1 10*s.* per ton for guano upon the whole annual income. This proposition ought to be accepted, for it is, they say, the same figure which was accepted in the first place by Mr. Sarez, in the recent negotiations with the Crédit Industriel.

Chili has officially made declaration that she will not demand more than from £1 to £1 10*s.* per ton for guano according to the quality.

In the case of the appropriation of these £3, in order not to diminish the revenue already sufficiently restricted, remaining to the bondholders, the amortization of £1 in coin, per ton, of guano sold, stipulated by the contract of the 7th of January, 1880, would be suppressed, and the amortization, which must be raised year by year to £300,000, would be raised upon the receipts from the nitrates which, thanks to a wise conversion of the present certificates, could still furnish the means of appropriating each year £100,000 to Peru, £100,000 to Chili, and at the same time from £50,000 to £60,000 to the subsidy for a cable between Panama and Lima, the establishment of which cable would be of the greatest service. Thanks to this distribution, conformable to the declarations of the two states in question, Peru far from being short of resources would enjoy a revenue equal, if not superior to that which she has ever regularly received and Chili would find the means of negotiating a loan of from £4,000,000 to £5,000,000 in cash, that is to say, of receiving almost immediately an indemnity for the war.

Other considerations still militate in favor of the adoption of the contract of the Crédit Industriel thus modified as the basis for a settlement. In the first place the validity of the contract, it is true, has been contested by General Piérola; but this is a point more than discussable, since eminent lawyers, both of Europe and Peru, have maintained that this contract, concluded by commissioners acting by virtue of power

conferred by a law regularly passed by a regular Congress, will pledge the Peruvian nation, *de jure*, if not *de facto*, and the same opinion has been held by the consulting committee of affairs in litigation, at the office of the minister for foreign affairs of France before whom the question was laid.

Not to take account of this contract would be then to expose themselves to legitimate demands, for it would be a failure of equity which a mediator ought to guide.

In the second place to adopt a contract so made, and to which a large party of creditors has already adhered would avoid the delays and difficulties of a new negotiation in which it would still be necessary to make the creditors a party, and this at a moment when it is all but indispensable to guarantee in advance the execution of pledges and means about to be proposed to the belligerents to lead them to conclude peace.

3. What are the measures to be taken to preclude the return of former difficulties, of the present competition, or the failure of engagements undertaken?

The situation, for a long time precarious, which must result from the present war to Chili and Peru, indicates beyond question that the settlement of the question cannot be effective and certain unless the deposits of guano and nitrates, the cause of the past difficulties and present dispute, are placed beyond all future hope on the part of the nations which have possessed them or which occupy them to-day, at least until the liquidation of the debts for the payment of which these deposits are the security.

There is only one way to arrive at the result; *i. e.*, to make Chili as well as Peru admit that the said deposits are neutral territory and protected by a neutral flag, save that each of the two states shall have the right to watch the exportation, with a view to the execution of the engagements undertaken by them respectively.

This neutralization presents a double advantage: First, it guarantees the foreign creditors against new exigencies, and it effects (grants, allows) a solution of a question which to-day appears insoluble. From self love, natural pride, fear of a governmental derangement, or some other motive, Peru will not abandon Tarapaca to Chili, nor will the latter give it back to Peru. If they will make this territory neutral at the same time as the other deposits of the north Chili and Peru would no longer have any reason for insisting upon the point of occupation, and in the eyes of the masses (illegible in the French) the two governments could almost entirely abandon their pretensions, not as though by a retreat, but as by a neutral concession made to the great principle of the rights of the people, a concession having for its aim the revival of their credit and the maintenance of their reputation for honorableness.

4. Do there exist, beside the holders of Peruvian bonds, other important creditors?

Besides the holders of Peruvian bonds, Peru does not appear to have other important creditors in Europe, except her last two consignees, Messieurs Dreyfus Bros. and the Peruvian Guano Company.

The Peruvian Guano Company has at least a stock of guano more than sufficient to cover the debt, especially since its contract expired in June, 1880, and its situation is far from being right as regards Peru, which brought a suit against it in the English courts.

In 1873 Mr. Dreyfus proclaimed himself a creditor of the Peruvian Government in the sum of 100,000,000 francs, and declared that he was going to suspend the payment of interest on the loans in order to reimburse himself.

The government frightened, because at that juncture it had still to place almost the whole of its loan (called the 5 per cent. of 1872) not subscribed, on the 13th of April made a convention with Mr. Dreyfus by the terms of which Mr. Dreyfus was pledged to pay interest on the loans only until the 1st of July, 1875, inclusive, and was authorized to sell afterwards for the exclusive account of his debt, the guano which remained, about 500,000 tons.

The convention of April 13, 1874, was believed to have liquidated this account entirely since Mr. Dreyfus admitted a surplus of 35,000,000 francs, which he himself had advanced to Peru. But not at all; Mr. Dreyfus, in 1879, declared himself anew a creditor in the sum of 100,000,000 francs, and that after having received 300,000 tons in excess of that stipulated in his contract of August, 1869, and in the convention of the 13th of April, 1874.

The government of General Prado refused to admit this new debt upon the judgment of the court of accounts, and in a report given publicly the attorney-general of the Peruvian Republic, Dr. Aronibar, affirmed that far from being its creditor Mr. Dreyfus was its debtor.

One of the first acts of the present dictator, Don Nicolás de Piérola, on coming into power, was to admit the legality of the debt repudiated by the government overthrown.

It is difficult to pronounce absolutely upon the legality or illegality of the Dreyfus debt. Nevertheless, if one considers: 1st. That this debt was denied by the bondholders before the French courts which, while not giving a decision in their favor, did not hesitate to declare upon the question of the accounts of Peru with Mr. Dreyfus that this government had "betrayed its national faith;" 2d. That the attorney-general of the Peruvian Republic has legally contested the basis of this debt. 3d. That Messrs. Dreyfus referred the case to the arbitration of the present dictator without appeal, and accepted a reduction of about 5 per cent., it is permissible to doubt concerning a legal ground.

Nevertheless, in the absence of a knowledge of positive facts, it is impossible to deny the said debt absolutely; it will be indispensable to admit the sum of it, whatever it may be, *but pro rata*, because there exists no plausible reason for considering Mr. Dreyfus a privileged creditor, especially since this privilege would have as an immediate consequence the reduction either of the payments, which are useful and capable of being appropriated to Peru and Chili, or the amount disposable for the benefit of the bondholders whose debt is as legitimate as it is incontestable.

In this state of affairs it would seem equitable to appropriate to the payment of the Dreyfus debt a portion of the funds reserved for the amortization of the Peruvian bonds, suspending this amortization in part or in whole until the extinction of the debt in question.

5. Who should be charged with the liquidation, and consequently with the exploitation of the deposits of guano and nitrates?

First; two general considerations.

1. Guano and nitrates are two similar products, consequently the more there is sold of the first the less there is sold of the second, unless the prices are lowered. Then it is indispensable to the correct management of the affairs that the sale of guano should not diminish since the yield of this product is greater than that of nitrates, the first requiring from 6*s.* to 10*s.* per ton for all expenses of sale, and the second requiring £6. Whence this combination (should be made) that guano and nitrates should be sold by one and the same person or company.

So long as there was one vendor of guano in the market the prices were

maintained at an average of £12 to £12 10*s*. per ton. But from the day when there was competition (1876) the prices were lowered to a point where the average was no more than from £9 to £9 10*s*., being a loss of £3 per ton; £900,000 on the whole, which was originally 300,000 tons.

It is this that explains in part why payment of the interest on the Peruvian loan has been suspended since 1876. Competition alone having effected a loss of 3 per cent. to the bondholders.

Whence this other conclusion that it is useful that there should not be one vendor on account of Peru, and another on account of Chili; but one single vendor of guano and niter on account of all interested.

These points stated, we come to the question of the individual or company.

Public opinion in Europe rejects in a manner as general as it is absolute, the interference anew, as well of Mr. Dreyfus and his partners, to whom is attributed the failure of Peru, as of the Peruvian Guano Company and its partners, to whom is attributed the continuation of that failure. This general repugnance exists equally in Peru and Chili as regards the names above-mentioned. There are several firms which could be addressed, but besides entailing delay this would only give rise to difficulties for the reason and considerations enumerated above.

These reasons and considerations bring us perforce to this conclusion: That it is the Crédit Industriel, which ought to be charged with the liquidation, and, consequently, with the exploitation of the deposits of guano and niter, and the same reasons and considerations lead to the conclusion that it was the contract signed by this establishment on January 7, 1880, which was the best basis of the liquidation and exploitation.

There remains the question as to whether the Crédit Industriel is ready to accept this mission; for a government cannot intervene and offer a base of settlement without being assured in advance that the execution is guaranteed by the third party himself, whose name and programme are proposed for this purpose. There can be no doubt for a single instant that the Crédit Industriel will accept the base of liquidation in view, if that liquidation can take place on the conditions named above, and which, for greater precision may be here recapitulated:

I. Neutralization of the guano and nitre deposits.

II. Monopoly of the sale of the two products in the markets of Europe.

III. Base of exploitation according to the contract signed at Paris, January 7, 1880, with the modifications rendered necessary to bring about peace between Peru and Chili.

IV. Conversion of the nitrate debt and equitable reduction of interest.

At the same time that it is the interest, it is the duty of the Crédit Industriel to accept; for after having signed the contract of January 7, 1880, to refuse to execute it, would be almost a repudiation of its signature, and this establishment is reputed to be too careful of its honor to be done an injury by being doubted.

Public opinion.—As to the holders in Europe of Peruvian bonds, the favor with which they have received the news of the possible intervention of the United States in the Chilian-Peruvian question, testifies that they are ready to place all confidence in an intermediator, and consequently that they will accept the settlement as it is indicated above. This favorable acceptance is all the more certain since the indications

which precede are nothing more than a condensed reproduction of ideas set forth by the English journals, and for a long time publicly professed by the representatives of the bondholders on the continent.

On the utility of the contracts of the Crédit Industriel for obtaining a satisfactory adjustment of the Peruvian obligations.

In openly manifesting their intention to offer their mediation between Peru and Chili, the Governments of France, England, and Italy have shown that the interests of their citizens were seriously menaced by a continuance of the war devastating the Pacific, and that it had become absolutely necessary to regulate definitively the Peruvian foreign obligations.

But would a mere offer of mediation be sufficient to secure a satisfactory adjustment?

As far as Peru is in question there is no doubt of it. That state is bound by contracts as explicit and formal as they are of recent date; her present situation is such that she could not refuse any satisfaction, and, further, it is only by means of an equitable regulation with her creditors that the country can hope to be restored.

On the other hand, from Chili there are many serious difficulties to be apprehended, which very certainly will not be removed by a mere offer of mediation, for they arise for most part from immediate necessities, so urgent and of such lofty ambition that they can only be satisfied by the almost entire seizure of the only convertible resources of Peru, namely, the guano and nitrate beds.

In order to be convinced of the difficulties which Chili will suscitate it is only necessary to recall the inanity of the peace conferences held at Arica under the patronage of the United States, that is to say, under the patronage of a very powerful government, and, what is still more to the point, of a government that is in close neighborhood. It will suffice to cast a glance over the articles of the Chilian press to see that after having called for the annexation of Tarapaca, with the expressed reservation in regard to the Peruvian obligations, now insist upon a complete Chilian protectorate all over Peru, and declare that the Peruvian obligations should only be accepted at one-tenth of their face value, that is to say at a reduction of 90 per cent.

From these facts, constituting a moral presumption of bad faith on the part of Chili, in regard to a mediation being necessary to limit her pretensions, and if the material acts be added thereto, such as the prohibition to load and export guano, in execution of regular contracts, dated anterior to the war (1869–1876), the conclusion is positive that Chili will not yield to mere friendly remonstrances, and consequently the European powers can scarcely hesitate about adopting a more energetic attitude.

Such hesitation would only result in promptly complicating still further the situation, for it would lead Chili, already too much exalted by her success, into the belief that she could with impunity violate all rights of Europeans, and it would only be justifiable were any doubt to exist on the right of the powers to intervene, or as to the limit within which said intervention should be exercised, or, still further, even as to the possibility of a dissension between the governments interested more or less in the settlement of the Peruvian-Chilian difficulty, either in view of the protection of their citizens or in view of their politics in general.

But it is easy to prove that no such doubt could, or does, exist.

THE RIGHT OF THE GOVERNMENTS TO INTERVENE.

All legists agree in declaring that governments have the right to intervene to insure protection for the interests of its citizens when said interests are manifestly injured by a foreign government.

Indeed, many authorities go still farther, and declare that said intervention is not only a right, but is in itself a strict obligation.

Protective intervention in this respect is not optional. It is obligatory!

In return for the sacrifices imposed upon citizens, the governments are bound not only to protect them in person and property at home, but also owe to them at least an equal security against any attacks to which they may be subjected abroad. (McDufaure, consultation of March 13, 1875.)

If this intervention be considered obligatory for the protection of individual interests, how much more so must it be when there is in question, as in the present case, an entire people, possessed of the most incontestable rights, and powerless for defense, as its only means, namely, coercion, is interdicted.

Still further, in intervening to claim the possession of the deposits of nitrate and guano in the interest of their citizens, creditors of Peru, the governments can meet with no serious objection from Chili, since in such action they merely apply to that power the principles which she herself publicly and officially declared in claiming in the interest of the Chilian citizens the possession of the intermediate zone between Chili and Bolivia, wherein are situate the nitrates of Antofagasta and the silver mines of Caracolles.

CONDITIONS OF INTERVENTION.

The question of the terms and limit of intervention were decided judicially as follows:

The Government of Chili cannot, either in politics or in international right, confiscate the guanos and nitrates without making them subject within such limits and conditions as the Peruvian Government would have done, to the payment of the indebtedness of this latter state. In failing to act thus, the Chilian Government ignores not only the rules of international right, but exposes itself to answer to a diplomatic intervention, or even to an armed intervention of the powers holding the Peruvian obligations.

This right of armed intervention becomes incontestable when there is question, as in this instance, of certain creditors to whom certain goods were especially appropriated. On the other hand is to be found a government with whom said creditors had not negotiated, in whom they had not confided, and with whom they had no connection save that said government had seized by force the property which constituted to them their security. (McJozon, consultation of May 15, 1881.)

Thus the satisfaction which the European governments have the right to exact from Chili in the name of their citizens can be no other legally than that same which Peru would have granted to her creditors.

In order to maintain position of absolute right in the premises, it would be useful, indeed indispensable, to produce an act showing *clearly and positively* the amount and the conditions wherein Peru owes said satisfaction.

Is there such an act existing?

Such act does exist. It is the contract concluded at Paris, January 7, 1880, between the Crédit Industriel and Messrs. Rosas and de Goyenêche, mandatories of the Peruvian nation, by virtue of a special law, regularly and constitutionally voted by Congress October 10, 1879.

This contract stipulates that under condition of a rent or duty per ton for all guano and nitrate exported in favor of Peru (articles 4 and 29), and under the sole reservation of duties arising from anterior contracts (1869–1876) for guano; 1875 and 1878, for nitrates (articles 24 and 33), all

deposits of guano and nitrate are definitively placed in the possession of a society, which binds itself to work the same and to devote the net product thereof to the complete extinction of the Peruvian loans; these two manures to be held as security.

Supported by this contract the governments, having right of intervention are judicially founded in requiring from Chili the restitution of the deposits of guano and nitrate under the conditions stipulated in the contract of January 7, 1880. But this contract was merely the formal and material consecration of rights which had been already formally conceded.

The only claim that Chili can set up legitimately would be to demand as war indemnity either all or part of the duties claimed by Peru.

ACCORD OF THE VARIOUS POWERS.

In order that the working of the deposits of guano and nitrate, under the aforesaid conditions, be protected against any ulterior difficulty and against all eventualities, it is indispensable that the working be placed under the direct protectorate of the powers ruling the creditors of Peru. It cannot be seen how either the Governments of France, England, or Italy, taking the initiative in mediation, can suscitate any objection to the intervention and protectorate hereinbefore mentioned.

It would be difficult to explain why any one amongst them should criticise the proposed ruling, inasmuch that this ruling in substance as well as in form is identical with that which said powers imposed on Tunis. This is easy to establish.

RULINGS ON THE FOREIGN TUNISIAN LOAN.

(A decree of July 14, 1869, prepared at Paris, constitutes:)

An executive committee, composed of two Tunisian functionaries and of an inspector-general of finances; a supervising committee, composed of six members—two English, two French, and two Italian—elected by vote of the parties interested; a financial commission, composed of the two united committees.

An arrangement proposed by the financial commission and concluded March 23, 1870, stipulates:

1st. The fusion of the different claims.

2d. The actual surrender of the securities to the representatives of the creditors under the collective protection of England, France, and Italy.

3d. The management of the revenues surrendered by a council of administration acting in the interest and for account of the creditors, and under the supervision of the committee up to the extinction of the loans.

REGULATION OF THE FOREIGN PERUVIAN LOAN.

The contracts of *Crédit Industriel* stipulate, according to the arrangement of March 23, 1870:

1st. The fusion of the different loans. (Article 8 of the conditions and article 33 of the contract.)

2d. The actual surrender of the securities to the creditors. (Articles 2 and 27 of the contract.)

3d. The management of the revenues surrendered up to the extinction of the loans by a society acting in the interest and for account of

the creditors (articles 1 and 27 of the contract), under the control of committees elected by the French, English, Belgian, and Dutch creditors (articles 16 of the conditions), and of the officials of the State interested, (article 18 of the contract).

In order that the identity should be perfect there will only have to be added in the general interest the direct protection of the European powers ruling the Peruvian creditors.

If France, England, and Italy, who have manifested the desire to protect their citizens in their interests on the Pacific, really mean action, they are morally bound to insist upon the execution of the contracts of the *Crédit Industriel*, inasmuch that these contracts are the only ones which furnish judicially the measure and the conditions that should be imposed, and also that they are in themselves the reproduction, almost word by word, of a regulation which these same had already agreed upon to impose collectively on the Tunisian Government.

In Europe, outside of these three states, there are only Holland and Belgium who possess an interest in this arrangement, as their citizens have subscribed largely to the Peruvian loans. Holland has already declared herself ready to follow the initiative of the first three governments, and Belgium is declared to be in the same disposition.

Out of Europe there remains the United States, who may entertain a certain repugnance at seeing any European influence implanted or developed consequent upon a protectorate over the guano and nitrate deposits on the Pacific coast.

This difficulty, however, may be solved, for there exist reasons to believe that the United States would dislike much more the aggrandizement of Chili by the annexation of Peru, and thereby upsetting the equilibrium of the South American states, than a mere local European influence. The United States would, on the contrary, be well pleased to see the guano and nitrate deposits withdrawn from Chili, for by such withdrawal Chili would be deprived of her only means of dominating the other republics neighboring, and thus forming a Spanish confederation in the south which would be sufficiently powerful to cause ulterior fears or embarrassments in the north.

To sum up: Everything goes to prove that the interests of the European creditors of Peru are menaced by Chili, and that they can only be protected by the assumption of an extremely energetic stand.

The best, indeed the only, basis for such stand is furnished by the contracts of the *Crédit Industriel*, for they show precisely in what measure and under what conditions an adjustment can be claimed and exacted from Chili.

There is still less reason for hesitation in energetically insisting upon the execution of the contracts of the *Crédit Industriel*, both with regard to Chili as to Peru, in this, that said contracts must be regarded favorably by the powers interested either directly or indirectly in the adjustment of the Peruvian-Chilian difficulty, for these contracts are an assurance of the renewal of the service of Peruvian loans; are, further, in harmonious conformity with a financial precedent established by the European powers, and answer satisfactorily to certain political views of the United States.

PARIS, *June* 1, 1881.

[Translation.]

Programme of mediation between Peru and Chili.

PARIS, *July*, 1881.

1st. Neutralization of the deposits of guano and nitrate.

In order to spare the two states the irritation consequent upon a cession of territory, and to guarantee the creditors, whose security these deposits are, against further difficulties.

2d. Management of neutralized deposits confided to a credit establishment of undoubted standing and respectability.

In order to give confidence to all the parties interested in the engagements entered into.

3d. Basis of the management.

The contract of the *Crédit Industriel*, signed at Paris, January 7, 1880, and altered in a manner to satisfy all interests, guarantees:

1st. To Chili: The payment which it has demanded of £1 10*s*. per ton, or £450,000 per year, which would render it possible to make a loan to that state or to pay a reasonable war indemnity.

2d. To Peru: The amount that it has declared indispensable to its needs, £400,000 per year.

3d. To the bondholders: The remainder, which represents 3 per cent. of the nominal actual capital of the debt.

4th. Conversion of the nitrate debt;

In order to permit the redemption of the Peruvian guano debt and likewise to increase, if necessary, the payments promised to Peru and Chili (Article III).

5th. Establishment of a cable from Panama to Peru;

To aid in the development of the relations between this latter country and Europe, and in the re-establishment of its credit, a subsidy, which could be drawn from the conversion of the nitrate debt, might be appropriated to the benefit of this cable.

It can be affirmed that this programme, if proposed by the United States, would be supported by the principal states of Europe, whose citizens are creditors of Peru, especially by England, Belgium, and Holland.

DEDUCTION.

No. 1. The guano manipulation and mixtures, taken together, can produce per year, with a sale of 300,000 tons at £12		£3,600,000
From which must be deducted:		
I. Freight and expenses, at £4 per ton	£1,200,000	
II. Rent to Chili, at £1 10*s*. per ton	450,000	
III. Rent to Peru, at £1 per ton	300,000	
IV. Rent to Dreyfus, at £1 per ton	300,000	
		2,250,000
Balance		1,350,000
Remuneration to the managing company		270,000
Balance to be distributed annually to the bondholders		1,080,000
Or 3 per cent. of the nominal capital of the debt.		
No. 2. The working of monopolized nitrate can produce per year, at the rate of 200,000 tons, sold at £14		£2,800,000
I. Manufacture and transportation to the coast, £6 per ton	£1,200,000	
II. Freight and expenses, £4 per ton	800,000	
III. Payment to Chili, 10 per cent. per ton	100,000	
IV. Payment to Peru, 10 per cent. per ton	100,000	
		2,200,000
Balance		600,000
Remuneration to the company of management		120,000
Balance to be distributed per year		480,000

Of which the division might take place:

I. For the payment of interest, and for the amortization of the debt of the proprietors of the nitrate works, which now requires 8 per cent. interest and 2 per cent. amortization per year, or £400,000 per year, and which might be reduced to, say, an interest of 5 per cent. and 1 per cent. amortization, and converted into transferable bonds, which, being negotiable in Europe, would pay to the holders more than they would lose at the rate of exchange, say	240,000
II. Subsidy to a cable between Peru and Panama	60,000
III. Amount assigned to an early redemption of the foreign Peruvian debt until the Dreyfus debt has been extinguished, and until it can act by means of the amount now assigned to Messrs. Dreyfus & Co	180,000
	480,000

The combination then renders it possible to assign each year:

I. To Chili £550,000, say, on guano	450,000
And on nitrate	100,000
	550,000
That is to say, an annual payment more than sufficient to be able to secure a loan in Europe of more than	5,000,000
II. To Peru £400,000, say, on guano	300,000
And on nitrate	100,000
	400,000
That is to say a sufficient amount to meet its legitimate needs.	
III. To foreign bondholders £1,260,000	
Or as interest	1,080,000
And as amortization	180,000
	1,260,000

That is to say an inferior revenue to that of £2,600,000, but perfectly sure; besides being protected from every contingency by neutralization.

It is sufficient to read the above programme and the figures which follow from it to recognize—

a. That the combination is acceptable to the two states, since it permits peace to be made without irritation to their *amour propre*, at the same time assuring to each of them a large pecuniary compensation.

b. That the combination is acceptable to the creditors of Peru, since, in return for the abandonment of a portion of their interests, it gives them a security that they have never had before.

c. That the combination is presentable by a mediator, since it sacrifices no one, and allows the two states to recover their credit, the ruin of which would produce embarrassment in the commercial world.

NOTE.

The notes and information relative to the settling of the pending question between Peru and Chili have been constantly presented by the "Compagnie Financière et Commerciale du Pacifique," in the following points of view:

1°. The political and territorial preservation of Peru.

2°. Monopolized sale of the two only products that could afford, in a certain measure, the means of satisfying the interests of the exterior creditors of Peru, whoever they may be.

3°. The apportionment, under the care of the "Compagnie Financière et Commerciale du Pacifique," of the product of the monopolized nitrates and guanos, to the several parties concerned, and according to the basis adopted at the moment of the conclusion of peace.

1°. *The political and territorial preservation of Peru.*

All national or political consideration is foreign to the opinion expressed on this subject.

But victorious Chili, the real possessor to-day of a considerable part of the Peruvian territory, does not seem to be able to extricate herself from the following dilemma:

The right of nations, the elementary principles of international right, oblige a state who annexes unto itself a territory to assume the liabilities that burden that territory in favor of third parties. (See the consultation herein annexed.)

In the particular case now in point, the European States have had, in 1865, the opportunity of formally expressing that opinion, when the Chinchas Islands, on which the principal deposits of guano were situated, were momentarily occupied by the Spanish fleet, under the orders of Admiral Pinson.

If Chili occupied the whole of the Peruvian territory, if she enjoyed the totality of the products of that territory, she would be unquestionably responsible for the totality of the exterior debts of that country.

If, instead of withholding the totality of the territory, Chili were to retain only a part of it, the province of Tarapaca, for instance, she would evidently have only to support the liabilities resulting from exterior debts in a determined measure, proportionately to the value or the product of the territory annexed to its states.

But Chili cannot leave on Peru the whole burden of her exterior debts, and appropriate the revenues intended for the payment of those debts. She must, in one word, shoulder the assets and the debts of the territorial power to whom she succeeds.

The claim expressed on this subject by Chili, to obey no other but her own will and the law of her interests, to dispose of the resources of the vanquished without regard to the mortgages with which they are burdened, appears excessive and contrary to all the recognized principles in similar cases.

If, therefore, the total or partial conquest of Peruvian territory is rendered impossible by the charges imposed on the conqueror, any reasonable mind must come to this conclusion:

That in her own interest Chili must end by respecting the Peruvian territory, either in its integrality or in the greater part of its extent.

But if Peru subsists as a state, the necessary consequence of this fact is the maintenance of a budget that will allow to meet the necessary expenses of both government and administration.

It is owing to this order of ideas, the application of which will force itself at the moment of the conclusion of the peace, that we have taken into consideration the imperious necessities of Peru, and the urgency of satisfying them in a certain measure.

2°. Monopolized sale of the two only products that could afford, in a certain measure, the means of satisfying the interests of the exterior creditors of Peru, whoever they be.

The creation of the "Compagnie du Pacifique," in consequence of the treaty of January 7, 1880, is the practical realization of the idea of the *re-establishment of the monopoly of sale.*

Without this monopoly, that is under the present law of competition, the gross price of guano cannot rise much beyond the actual market price of £8; that is, £2,400,000 for 300,000 tons gross weight.

With this monopoly there is reason to hope that, without greatly curtailing the sum total of the sales in Europe, the old price of £12 could be obtained; that is, $3,600,000 for 300,000 tons gross weight.

Moreover, competition increases the price of freight, of expenses, &c., which will also affect the net total of the sum to be divided.

Now, therefore, the monopoly can only be reconstituted through the agency of the "Compagnie Financière et Commerciale du Pacifique," because this latter has become, or is going to become, after long and difficult negotiations, the comptroller of the totality of the stock of guano (about 600,000 tons) existing at this present moment in Europe.

We have explained in a special note the reasons that advised the submitting of the nitrates of soda to the same rule of monopoly as the guanos.

Without re-entering upon the details furnished on this subject, we will recall that the principal of these reasons are:

1°. The necessity of regulating the importations of guano and nitrate to Europe, these two products, though chemically constituted in a different way, competing with each other in a certain measure.

2°. The study of the means to satisfy with the greatest facility the ancient owners of the niter beds of Peru, dispossessed by the government of that country.

3°. The necessity of regulating in a profitable manner for all parties the movement of a trade that interests Bolivia as well as Peru.

4°. The means of finding in the sale of nitrate, rendered as profitable as possible, a supplementary resource enabling the settlement of the very difficult financial questions involved in the conclusion of peace.

Chili seems only to oppose to the establishment of the monopoly of the sale of nitrate, theories of political economy, inspired by private interests, which are very little in harmony with the imperious necessity created by circumstances.

III°. The apportionment, under the care of the "Compagnie Financière et Commerciale du Pacifique," of the product of the monopolized guanos and nitrates to the several parties concerned, and according to the basis adopted at the moment of the conclusion of the peace.

Several calculations have been submitted on the subject. They all start, as regards the guano, from this very probable fact, viz, that the real expenses necessitated by the importation and sale of guano will not exceed, under the rule of monopoly, £4 plus 10*s*. the *carguio per tonne*.

It is therefore the surplus that is to be assigned on bases that can be slightly modified in one sense or the other.

The question is, consequently, to fix: 1°. The order in which the apportionment of the net product is to be made. 2°. The proportion in which each of the parties concerned is to participate in it.

These parties are:

1°. The firm of Dreyfus, acknowledged creditor of the Peruvian Government for an important sum.

2°. The holders of Peruvian loans, 1870 and 1872.

3°. The holders of certificates delivered by the Peruvian Government, in exchange of the value of the appropriated niter-beds.

4°. Peru, if that state subsists either totally or partially.

5°. The Chilian Government.

We have followed in this statement, as regards the three first classes of claims, what is supposed to be the chronological order of pre-existing rights.

But this order can be modified so far in the conclusion of a treaty of peace as to give to Chili the first rank in the division of the product, that is, so far as to give her the certainty that the annual sum which

will be her share will be paid her after the *campagnie*, as vendor, will have been reimbursed for the expenses incurred in the operation.

The bondholders that have been sacrificed up to this moment have every right to be protected; and even if they are only called upon to receive what will remain after all other interested parties have taken their share, it is necessary, at least, that this portion should be reasonable, and should not render the promises made to the exterior creditors of Peru either ridiculous or vain.

That this should be, it is necessary, in any case, that guano sold under monopoly should be assessed more than £8 per ton, thus: £4 for freight, storage, and expenses inherent to the product; 10*s.* the *carguio;* £3 10*s.* to be divided between Chili, Peru, and the firm of Dreyfus, in the order and in the proportion which will be adopted.

What will remain, after deducting the above-mentioned assessments, will constitute the share of the bondholders and of the *compagnie*, at the rate of 80 per cent. for the former, and of 20 per cent. for the latter

Supplementary observation of the means of converting into cash the sum assigned to one or the other of the belligerents.

If Chili is called upon to receive the product of the guano and nitrate, after the reimbursement of the expenses, and if the neutralty of the deposits of these two products is guaranteed by the Government of the United States, the "Compagnie du Pacifique" might well bind itself to pay to Chili, at fixed annual periods, the sum amounting to the duty assigned in her favor by the treaty of peace.

But this engagement cannot be absolute. It is evidently subordinate to the existence of a stock of guano sufficient to enable the exportation of this product to be made in the foreseen amount. It is equally subordinate to uncontrollable circumstances which might for a moment render the sale of guanos impossible on those markets where it is at present demanded.

The "Compagnie du Pacifique" is not constituted with a view of taking the place of the belligerent states, and of being a guarantee, in any case, of one with respect to the other. Its statutes force it to remain within the limits of its mandate, which is the one of a loyal trustee intrusted to sell a product on the best terms possible, and to faithfully divide its price.

Therefore it is impossible, if there is a loan to be contracted, that the *compagnie* should assume towards the public the absolute engagement to pay, which cannot be the work of a financial establishment, and that she should take in that respect a responsibility that can only be usefully assumed by a state.

If the annuity assigned to Chili by the treaty of peace is to be immediately converted in a sum necessary to the financial wants of that state, that operation can only take place by the direct intervention, with respect to the creditors of one or the other of the nations concerned.

Peru has nothing to hope from European capital, having been deprived of all reputation for solvency even before the present crisis.

But Chili can convert the annual sum that the treaty of peace will assign her, in a sum proportionate to her wants. She can do it all the more easily, as her credit on the European markets, consolidated by a great punctuality in meeting her engagements, has never been assailed.

This solution is imperious, for there exists no other, whatever may be the desire to pay in cash the ransom of Peru, and thus to simplify the conclusion of a treaty of peace.

Chili may easily obtain more than £6,000,000 to £7,000,000 net from a loan based upon the dues that the guanos and nitrates will secure her.

The safety of the security on which this loan will rest will be increased by the intervention of the United States, and Chili will obtain, on that score, all it can expect from a vanquished enemy, who gives her all it can offer.

The "Compagnie du Pacifique" has informed the Chilian Government, that, in connection with other large financial establishments, it was quite ready to negotiate an operation of the nature of the one in discussion.

It is ready to undertake the active pursuit of such negotiations as soon as circumstances will render them opportune.

PARIS, *July* 25, 1881.

Memorandum in regard to the double programme to be followed by the Pacific Company.

DECEMBER 8, 1881.

The attitude of the United States Government is now perfectly well defined. It has decided to *interfere* for the purpose of putting an end to the conflict between the two southern republics, and of enforcing a peace, having for its basis the principles of the memorandum addressed by Mr. Hurlbut to General Lynch on the fourth day of August, 1881, that is to say, "*without any cession of territory on the part of Peru, but with the payment of a reasonable war indemnity to Chili.*"

In the anticipation of this contingency, Mr. Guillaume proposed to the United States, on the 27th day of September, 1880, through Mr. R. Randall, a programme whose execution was guaranteed, at the request of the minister of state, by the Crédit Industriel, and which is now guaranteed by the Financial and Commercial Company of the Pacific, acting in its stead. (See letter of October, 1880.)

This programme, which was somewhat defective, owing to the fact that certain rights of third parties were to be protected, was somewhat modified and corrected in July, 1881, and has been finally prepared in a permanent form as follows:

It is upon this programme, whose execution has been formally guaranteed, that the following authorities have based their action:

On the one hand the Washington Cabinet, in order to offer a war indemnity to Chili; on the other hand, President Garcia Calderon, in order to affirm and declare, over his own signature, that he was prepared to pay said indemnity.

Consequently the Pacific Company must be able to fulfill its engagements as soon as it shall receive notice to do so, since present events concern, in a manner, it alone.

It is evident that if everything went on according to the wishes of the Pacific Company, that is to say, if Chili should accept either, purely and simply, the contingent amount for which provision is made in the programme, or should be willing to give her signature to a loan which, on the basis of an annual payment of £550,000, may be raised to £8,000,000 net against the assignment of the said payment, nothing would be easier, because, in the first case, the amount yielded by guano and nitrate exceed the sums to be guaranteed nearly fourfold; and be-

cause, in the second case, a loan issued with the signature of Chili would be taken up so rapidly that the issuing syndicate would do well to consider whether it would not be to its own interest to take the whole amount of said loan, and to dispose of it afterwards at the stock exchange.

Political events, however, often deceive all foresight, and particularly in the present case must we make allowance for mistakes in calculation.

Everybody knows, for it has been superabundantly demonstrated by facts, that Chili ardently desires to annex the province of Tarapaca.

If that state is forced to conclude a peace without being permitted to annex any territory, it is to be expected that it will raise all imaginable difficulties, among others that it will require the promised payment of a war indemnity, while refusing its signature to a loan, since such a refusal, as Chili is probably aware, may be of a nature to cause the failure of the whole combination.

Chili may be told that if she had kept Tarapaca, she would have been obliged to lend her signature, if she had desired to negotiate a loan, that is to say, to discount the amount imposed by her upon the guano and nitrate deposits; that consequently nothing abnormal is asked of her; that, in fact, if guano and nitrate are to serve for the payment of the war indemnity, which she claims, she cannot require such payment, except on condition of pledging herself by signing bonds for the payment of principal and interest, in case that which has served as security should disappear or become no longer available.

Chili can with difficulty refute this argument, but she may easily answer that; if she had kept Tarapaca, her intention was not to negotiate any loan for the sake of not increasing her liabilities in case of the exhaustion or unavailability of the guano and nitrate.

The Pacific Company may therefore content itself with an annual payment.

Here too, however, Chili may raise a new difficulty by demanding, as will be just, to occupy and work the deposits herself by way of a guarantee. This will create a new difficulty, for occupation on such conditions will be equivalent to annexation, not to mention the fact that Chili will wish to intrust the working of the deposits to a house of her own choice.

There is but one means to overcome this obstacle, and that is to offer and guarantee the payment of the war indemnity in a number of reliable and fixed annuities, in case of Chili's refusal to lend her signature to a loan.

And as Chili will not be contented with exacting for herself, but will also wish to exact for the bondholders, in order to increase the difficulty, owing to her anger at being expelled from Tarapaca, the annuities to be guaranteed will have, at the same time, to comprise the indemnity to Chili, the payment of the Peruvian loans, and the amount due to Dreyfus, together with a payment to Peru, since the latter state will well understand that if it stipulate for nothing for itself, it will be running the risk of getting nothing.

The conclusion is that the Pacific Company must provide for the case of being obliged to propose the purchase of a large quantity of guano and nitrate, for it does not seem to be able, consistently with a due regard to the interest of its stockholders, to think for a single instant of abandoning the favorable situation which is apparently created for it by the course of events.

Let us therefore examine what may be the quantity to be purchased, the price to be offered, and the risks attending the operation.

PURCHASE SUBSTITUTED FOR CONSIGNMENT.

1st. *Quantity.*—In the programme an annual payment has been planned of £550,000 in favor of Chili.

This sum capitalized at 5 per cent. interest, and one per cent. amortization, represents, at the rate of 82 per cent. (including commission and expense of emission), the net amount of £8,000,000 in round numbers.

This amount has been fixed upon on the hypothesis of a loan bearing the Chilian or Chilio-Peruvian stamp, and estimating—1st. That that amount could not be exceeded without sacrificing the Peruvian creditors. 2d. That inasmuch as the war can hardly have cost the Chilian treasury more than six million pounds sterling (which may easily be verified), the sum of £2,000,000 offered a very reasonable indemnity, especially if we consider the sums which have already been paid by the Peruvians as war contributions, or by the custom-houses.

As it is hardly probable that Chili will accept less than £8,000,000, it is this amount which, being divided by the annuity provided for in the programme (£550,000), will determine the number of fixed annuities to be paid to Chili in the case above provided for in which that state, refusing to lend its signature to a loan, should require the purchase of the guano.

Fifteen annuities will, therefore, be required in order to pay £8,000,000. This gives, as the quantity of guano and nitrate to be purchased, at the rate of £300,000 per annum of the former, and £200,000 of the latter: 4,500,000 tons guano; 3,000,000 tons nitrate—total, 7,500,000 tons.

2d. *Purchase price.*—In 1869 Mr. Dreyfus purchased of the Peruvian Government 2,000,000 tons of guano, at the rate of 36 sols each (round numbers), or at the fixed rate of exchange of 45 pence per sol, one hundred and sixty-two francs and fifty centimes, or *six pounds ten shillings per ton.*

In 1876 the Peruvian Company took the consignment of 1,900,000 tons of guano at the rate of a forfeit for expenses of four pounds fifteen shillings, plus ten shillings for expenses of * * * [illegible]. The average selling prices, with competition, and without considering the qualities, amounting to £9 10*s.* The net amount yielded by each ton was therefore £4 5*s.*

In 1880 Mr. Dreyfus accepted, with undisguised joy, a settlement of his claim against Peru in guano at £5 per ton. Knowing, first, that Mr. Dreyfus realized, with his monopoly, at least £2 profit on each ton purchased by him at £6 10*s.*

2. That the Peruvian Guano Company realized at least, with competition, £1 profit on each ton, yielding net £4 5*s.*

3d. That Mr. Dreyfus expected to realize at least £2, with competition, on each ton accepted by him, at the rate of £5—£15 15.

It may be confidently asserted that the average yielded by these three amounts (£5 5) represents the price at which all the guano in Peru may be purchased, not only without risk, but with a profit of more than £2 per ton, it being understood that that price is for a standard of 7 per cent. of azote and 14 per cent. phosphoric acid, and that a monopoly in selling is to be enjoyed.

As to nitrate, its selling price has always been proportioned to that

of guano; that is to say, between £16 and £14, the highest price having been £16, which was during the time of the monopoly of guano under Mr. Dreyfus, and the lowest having been £14, at the time when there was competition.

If we may take as an average selling price, knowing that nitrate costs about £10 for manufacturing, transportation, and sale, we may confidently fix the purchase price at £8, with the certainty of £2 profit per ton, providing always that the article be of uniformly good quality.

3d. *Risks.*—The trade in guano and nitrate being a cash one, presents no risks in itself. The only drawbacks to be expected in the case of a very large operation, at long time, are those offered by the competition of fertilizers in consequence of improvements in chemistry, or by the increase of necessary expenditures owing to high freights. There have been no others, for European agriculture (and this will soon be the case with that of America) cannot do without fertilizing material, and calls for increased quantities every year. The price paid, moreover, is in proportion to the quality.

POSSIBLE COMPETITION.

In addition to the barn-yard, the pigeon-house, and the privy, the manure yielded by which is necessarily limited in amount, all other fertilizers need, in order to be rendered serviceable, to be artificially enriched with azote and phosphoric acid, or else with substances taken from guano itself, or with chemical productions.

It is, however, to be remarked that azote and phosphoric acid cost, when manufactured and added to poor fertilizers, almost as much as the same elements do when sold in nitrate and guano, not to mention the fact that it has been proved, not once, but a thousand times, that azote and phosphoric acid, when artificially added to fertilizers, are far from having the same fertilizing properties that they do when naturally contained in guano and nitrate.

Consequently before the competition of the rivals of guano and nitrate can become at all formidable, two conditions must be fulfilled, which are now admitted to be impossible: First, the manufacture at an extremely low price, and in enormous quantities, of azote and phosphoric acid; second, the artificial addition of these two elements, equaling their natural formation and combination in guano.

More than fifteen years will certainly be required before such a result can be reached, and in order to convince oneself of this fact, it is sufficient to call to mind the great number of efforts which have been made for this purpose, and their constant failure.

High freights.—An increase in the rate of freights may seem to be probable, owing to the general tendency to substitute steam-vessels for those propelled by sails.

In the first place, guano and nitrate make a bad cargo for iron-built steam-vessels. Hence, as long as there is any guano and nitrate, it is certain that there will be sailing-vessels to carry these substances, because the cost of construction of a sailing-vessel being relatively small and freights being certain, it will always be to the interest of shipowners to use them.

If the grain of California, cotton, and wool are conveyed by steam more and more every year, this is not owing to any revolution in the merchant marine, but only to speculation, which demands speedy arrivals in consequence of sales in which the goods sold are to be delivered at a fixed time, and of competition; these cases will never arise

for guano, which is without a competitor, and with which the markets can readily be stocked a long time beforehand, as prices are fixed and the article does not deteriorate.

Yet, admitting for an instant, that sailing-vessels are to disappear, will the consequence be that freights by steamers will be enhanced? This is very doubtful, because as a steam-vessel can make two trips while a sailing-vessel is making one, the former can put its freights at the same figure, owing to the fact that the crew is paid for two trips while they would be paid for but one on board of a sailing-vessel. Moreover the rates of insurance on board of a steamer are considerably lower than they are on board of a sailing-vessel. The fact, besides, has been already demonstrated by the grain of California, which is conveyed by steamers at the same rates as by sailing-vessels.

In addition to which the substitution of steamers for sailing-vessels will necessarily increase the consumption of coal, and consequently its transportation to the southern seas, which will render very advantageous rates of freight possible.

Finally, in six years a ship-canal will have been built through the Isthmus of Panama. As the distance between Peru and Europe will thereby be considerably diminished, the necessary consequence will be a reduction in the rates of freight between those countries.

Thus all the probabilities are in favor of a reduction in the rates of freight, rather than of an increase of the same, within a period of fifteen years.

To sum up:

The United States and Peru have assumed their present attitude of resistance to the pretensions of Chili, basing their action upon formal engagements of the Crédit Industriel.

The Pacific Company, which has assumed the engagements of the Crédit Industriel, must therefore, from proper regard both for its own standing and its responsibility to the stockholders, who have placed confidence in its promise to secure the working of the guano and nitrate, prepare to carry out the programme of September 27, 1880, either in the form of a consignment with a loan, or of a purchase at a fixed price.

Whatever may be the solution of the question, the experience of the past and the conditions of the future clearly show that there is no risk save that of gaining a little more or a little less, and that it is even possible that more may be gained in the form of a purchase than in that of a consignment.

No. 441.

NOTE.—*The following extracts are taken from the Official Registers of the Department, and show that the several communications therein indicated were received in the ordinary course of business, and belong to the files of the Department. A careful search fails to show that they are now in the Department:*

Mr. Shipherd to Mr. Blaine, May 21, 1881:

"Peruvian Company organized for the purpose of paying the claims of American citizens against Peru for violation of guano contracts, foreign bondholders, Chilian war indemnity, &c., providing Peru will give it the right to work guano-beds, &c.; prospectus of company with other papers inclosed; requests protection of the United States."

Mr. Shipherd to Mr. Blaine, May 25, 1881:

"Peruvian Company, prospectus of, with other papers inclosed; asks that the documents be presented to Mr. Hurlbut, and that he be granted an interview before Ministers Kilpatrick and Hurlbut go to their posts."

Mr. Shipherd to Mr. Blaine, May 31, 1881:

"Peruvian Company refers to conversation had with the United States minister to Peru, and states that they are ready to advance money to Chili, &c., providing the United States will support them in their legal and equitable rights, &c.; desires a personal discussion with President and Secretary of State relative to."

Mr. Shipherd to Mr. Blaine, June 4, 1881:

"Peruvian Company, transmits letter of 2d instant, addressed to S. A. Hurlbut, United States minister to Peru, giving his observations concerning the plans, intentions, and wishes of the company in their claim to the ownership of the guano deposits discovered by Cochet, &c., and requesting minister's comments thereon."

Mr. Shipherd to Mr. Blaine, June 21, 1881:

"Peruvian Company submits a translated reprint of an old Peruvian pamphlet relative to Cochet guano claim."

Mr. Fisher to Mr. Evarts, July 13, 1879:

"Neutrality of the United States in the Chili and Peru-Bolivian war; torpedo-boat shipped from the United States to Peru was seized by request of Chilian consul at Panama; other shipments of similar nature are expected, suggests that the United States consul at Aspinwall be instructed to examine suspicious-looking packages."

Same to same, July 14, 1879:

"War between Chili and Peru.Bolivia; progress of recent engagements; general review of the position of the belligerents."

Same to same, November 7, 1879:

"War between Chili and Peru-Bolivia; reports progress of."

47TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. 79, Part 2.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In further response to the Senate resolution of December 13, 1881, *a report of the Secretary of State, embodying the purport of a recent telegram from the special envoy of the United States, setting forth the conditions of peace presented by Chili.*

JANUARY 27, 1882.—Read and referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate of the United States:

I transmit herewith, in further response to the Senate resolution of the 13th December, 1881, a report of the Secretary of State, embodying the purport of a recent telegram from the special envoy of the United States, setting forth the conditions of peace presented by Chili.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 27, 1882.

To the PRESIDENT:

In further response to the resolution of the Senate of the 13th ultimo, calling for correspondence touching affairs in and between Chili and Peru, the Secretary of State has the honor to lay before the President the purport of a cipher telegram from the special envoy lately sent out to those countries.

Mr. Trescot, in this telegram, reports that he has had several confidential conferences with the minister for foreign affairs of Chili; that the Chilian Government disclaims any intention of offending the Government of the United States in the arrest of President Calderon and his removal to Chilian territory; that the good offices of the United States will be accepted by Chili; and that the Chilian authorities will facilitate conference between the United States' special envoy and the provisional government of Peru, with the exception of Señor Calderon. The terms of peace presented by Chili embrace the following points: Absolute cession of the Tarapacá district and, in addition thereto, the payment of an indemnity of twenty millions, payable in ten years, during all of which time the positive occupation of Arica by Chili is required, and, should the indemnity be unpaid, Arica is also to be ceded to Chili, and, besides this, Chili is to appropriate the guano deposits of the Lobos Islands. In event of Peru refusing the conditions named, the Chilian Government would decline any further proffer of the friendly interference of the United States.

The remainder of this telegram is obscure, and it is uncertain whether the Department of State is able to translate from the cipher the exact language, or even to obtain the sense of the sender. For this reason, as well as from a wish to avoid disclosing the cipher of the Department, the substance only of the dispatch is sent.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

DEPARTMENT OF STATE,
Washington, January 27, 1882.

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47TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. 79, Part 3.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report of the Secretary of State and an accompanying paper, in further response to the Senate resolution of December 13, 1881, calling for correspondence touching affairs in or between Peru and Chili.

MARCH 16, 1882.—Read and referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I transmit herewith a report of the Secretary of State and an accompanying paper, in further response to the resolution of the Senate of the 13th of December last, calling for correspondence touching affairs in or between Peru and Chili.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, March 16, 1882.

DEPARTMENT OF STATE,
Washington, March 15, 1882.

The Secretary of State has the honor to report that, since he laid before the President, on the 24th of January last, all the correspondence found in the Department of State coming under the call of the Senate by its resolution of 13th December, 1881, for correspondence touching affairs in or between Peru and Chili, a further search among the files has resulted in the finding of one the reports of Mr. Horace N. Fisher, mentioned as missing on page 742 of the printed publication of the correspondence heretofore transmitted. A copy of the paper thus found, being Mr. Fisher's letter to Mr. Seward of November 7, 1879, is herewith submitted.

As relating to the same subject, the Secretary of State transmits a copy of a letter of the 8th instant from Mr. Horace N. Fisher, with which he sent hither copies of two of the papers heretofore reported as missing, namely, his letters of July 13 and July 14, 1879, reporting the course of events on the Pacific coast. It will be observed that Mr. Fisher is not able to reproduce his letter of November 7, 1879, having retained no copy thereof, but the original letter having been found, as explained above, the series of Mr. Fisher's letters is now complete.

The Secretary of State also transmits, as coming apparently within the purview of the Senate's resolution, a personal note of the Chilian Minister, Mr. Martinez, to the late Assistant Secretary of State, dated November 23, 1881. This paper seems to have been overlooked by the clerks who collected the correspondence previously submitted. It is now laid before the President for transmission to the Senate, in order that the response of the Department of State to the resolution of December 13 may be as complete as possible.

Renewed and exhaustive examination of the files has failed to show that any other pertinent papers had been received prior to the date of the last transmission, January 24, 1882, or to discover any of the missing papers save the letter of Mr. Fisher of November 7, 1879.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

To the PRESIDENT.

LIST OF ACCOMPANYING PAPERS.

1. Mr. Horace N. Fisher to Mr. F. W. Seward, November 7, 1879.
2. Mr. Fisher to Mr. Frelinghuysen, Boston, March 8, 1882, inclosing: A. Copy of his report of July 13, 1879. B. Copy of his report of July 14, 1879.
3. Mr. Martinez to Mr. Hitt, November 23, 1881.

No. 1.

Mr. Horace N. Fisher to Mr. Seward.

LIGUA, CHILI, *November* 7, 1879.

DEAR SIR: The governor of this province has just shown me the dispatch of Señor Santa Maria, the prime minister of Chili, to him. This dispatch confirms officially the successful landing of the Chilian Army at Pisagua, in Peru, and the operations there.

By last week's mail I wrote to my old general, A. McD. McCook, at Army headquarters, explaining my views and making some important suggestions. I requested him to confer with General Garfield, and then, if they both approved the suggestion, to present the same to his friends, the President and General Sherman, and also to Mr. Secretary Evarts. If you show General McCook this letter and ask him, he will undoubtedly show it to you. The views there given I confirm even more strongly, and had I time before the mail closes I would send you a copy of it for your information.

In my judgment the crisis of the war is close at hand, and the opportunity alluded to in my letter to General McCook should be carefully considered.

My address is the same as usual, "Care of Señor Don Manuel J. Yrarrazaval, Santiago, Chili.

Yours, in haste,

HORACE N. FISHER.

Hon. FREDERICK W. SEWARD,
State Department, Washington, U. S. A.

No. 2.

Mr. Fisher to the Secretary of State.

BOSTON, *March* 8, 1882. (Received March 10.)

SIR: Understanding from the public press that the Senate Committee on Foreign Relations was desirous of discovering certain documents reported as missing from the files of the State Department in the South American correspondence recently published, and that among said missing documents were three letters of mine to Mr. Frederick W. Seward, dated July 13 and 14, and November 7, 1879, I addressed a letter to Senator Hoar on March 6, inclosing duplicates of said letters of July 13 and 14, and stated the subjects of my letter of November 7, 1879, of which no copy was taken, for reasons indicated below.

In my letter to Senator Hoar, I stated that said duplicates and statement were forwarded for the information of said committee, but I authorized him to use them as he might deem best; I also stated that I would forward similar duplicates and statement to the State Department for the restoration of its files.

Therefore I have the honor to inclose duplicates of my letters to Mr. Seward of July 13 and 14, 1879, and to make the following statement in regard to my letter to him of November 7, 1879:

My letter to Mr. F. W. Seward of November 7, 1879, was quite brief; it was written at the post-office at Ligua, Chili, whither I had ridden from a friend's house to mail my letters for home; the mail for the United States was just closing, when the governor came to the post-office and showed me an official telegram which he had just received, announcing the landing of the Chilian army in the province of Tarapacá (Peru), after a sharp engagement at Pisague. He courteously allowed me to make a translation of said telegram, which I sent to Mr. Seward. As I remember the circumstances, I added a postscript to the effect that, by the previous mail (October 31), I had sent an important letter to my friend General A. McD. McCook, of Washington, with a "memorandum of the present condition of the South American republics," and that General McCook would probably allow him to read it if he desired. I note that a copy of this letter to General McCook seems to have been placed on the files of the department, as it is published on pages 618 to 621 of the official correspondence now before Congress with my other letters to Mr. Seward and Mr. Hunter. Any other information I may have on this subject is at your command.

Respectfully, your obedient servant,

HORACE N. FISHER.

[Inclosure A in No. 2.]

Mr. Fisher to Mr. Seward.

[Personal.] OFF GUAYAQUIL, *July* 13, 1879.

DEAR SIR: I have some facts which I think ought to be known to the United States Government, and therefore, in accordance with the arrangement made between us when I was in Washington last June, I state them and venture to make some suggestions for your information, which, if they seem to you to be well grounded, I authorize you to read to the honorable Secretary of State.

When I arrived at Aspinwall I noticed some large boxes on the cars, which, from their shape and size, attracted the attention of General Edward M. McCook (my fellow-passenger on the Acapulco) and myself as suspicious. They were about eight feet

square and high, one on each platform car, and five in number, all marked the same, "Cargadora de Huano, Callao."

After this steamer [Lima] left Panama *en route* for Callao, I made the acquaintance of Lieutenant Eden, R. N., on his way to Callao, to join H. B. M. ship Triumph. From him I learned that the captain of the Lima had refused to receive on board five boxes marked as above, because he had heard that they contained a torpedo-boat for the Peruvian navy, although invoiced as a launch for the Guano Company at Callao. The captain (Steele) thereupon informed the British consul, who ordered a board of survey, appointing thereto Lieutenant Eden, who had been at the British torpedo school, and the engineer of the steamer Osprey; objections were made to opening the cases in question on the ground that they contained American goods, and only a guano launch shipped by Grace & Co., of New York, to their house in Callao. But the boxes were opened and found to contain a cigar-shaped torpedo-boat, built by Winans, of Baltimore.

The agent in charge, finding that the fraud was discovered, admitted the facts, and said that six other similar boats were building and would be sent to Peru by way of the Isthmus; and that, if necessary, the Peruvian Government would send a Peruvian steamer for them.

As the boat was fully complete (as I am informed) ready to be put together, with its electrical apparatus and working mechanism, it seems to me to present a grave question whether such shipment is not a violation of neutrality—a case of culpable negligence on the part of our government and its officials in New York. if not of those on the Isthmus, of a nature similar to that of the Shenandoah, which sailed, under the name of the Sea King, from a British port, with her armament in the hold.

If this be a correct view, would not the United States Government be responsible for the damage caused by its use at sea against the ships of a friendly nation? Perhaps the shipment under a fraudulent invoice might be excusable on the ground of ignorance of the nature of the contents of the boxes; but its discovery by the board of survey at Panama and the public boast that six other boats were soon to be forwarded from New York by way of the Isthmus, seem to me to call for such precautions on the part of our government as would prevent any such repetition of the violation of our neutrality, to the end that we may avoid a charge not only affecting (as it seems to me) our good faith, but tending to affect those relations of good correspondence with South American republics which seem to me very necessary for the extension of our South American commerce and for favorable commercial treaties.

It is a notorious fact at Panama that the Peruvian steamer Talesman has recently made two voyages from Panama to Callao fully loaded with arms and munitions of war, reported to include 50,000 breech-loading rifles (and cartridges) from the United States. It may be alleged with some force that it is impracticable to prevent the shipment of small-arms skillfully packed in boxes falsely marked and invoiced. But such large packages as are required for the shipment of torpedo-boats can scarcely be defended on the same ground on account of the unusual size and shape of the boxes.

There is, however, a suggestion which I venture to make, although with some diffidence on account of my imperfect information upon the organization and instructions of the port and Treasury officials of the United States. But it seems to me to present a practical method of preserving neutrality not inconsistent with the probable general character of the instructions and duties of the public officials at our ports and on the Isthmus.

Whatever may be the precautions adopted by the Treasury Department at our seaports, and in addition thereto, our officials of the State and Treasury Departments on the Isthmus may perform efficient service, especially as the ports of Aspinwall and Panama are free ports, and to a certain extent exempt from the jurisdiction of the United States of Colombia, which, in the present disturbed state of their internal affairs, have little or no control over the State of Panama. When we consider that the Panama Railroad is owned and operated by Americans, that Aspinwall is owned by the Pacific Mail Steamship Company, and that the contraband goods are shipped under our flag and practically remain so until transshipped at Panama, the question of responsibility for said contraband of war seems to belong more to the United States than to any other country. Moreover, we have not only consuls at Aspinwall, but Treasury agents and inspectors, whose powers and duties I do not understand, but judge from what I have heard that they have a certain jurisdiction over cargoes arriving by American vessels. If I am right in this supposition, suitable instructions to these Treasury agents, supplemented by the co-operation of our consuls, would present ample means and machinery already existing to effect the object.

For example, our Treasury agent at Aspinwall or Panama has reason to believe that a shipment of contraband of war will soon be received or has already arrived. Let him satisfy himself that the goods have already arrived, and then demand that the consul of the United States should order a board of survey, who could appoint a Treasury agent and such other reliable and skillful men as he may deem advisable. If the examination develops the fact of contraband of war let them (*i. e.*, the board

of survey) report in writing to the consul, who should have power, and be instructed to withhold the ships' clearance and papers deposited at the consulate unless the master of the ship (1) either gives a sufficient bond that the goods shall not be delivered until the matter shall have been referred to the government at Washington, with the report of the board of survey and the consul's report of the facts, and its decision has been received, or (2) takes the goods back to the United States.

This or some similar method of preventing shipments of contraband of war across the Isthmus from American ports in American ships, would, it seems to me, effectually preserve our neutrality. The presence of an American man-of-war at Aspinwall would perhaps be desirable for this purpose, but particularly on account of the great amount of American property at present virtually without protection in a country unable to protect American interests.

Before closing this letter there is another subject which I think ought not to be passed in silence. I refer to the apparent imminence of intervention of European states in the contest on the west coast of South America. I learn from Lieutenant Eden that eleven men-of-war (British) have been ordered to concentrate on the coast of Peru, at Callao and Iquique; that two others have recently left England, with orders to *steam all the way*, to re-enforce them; that war material to the value of £2,000,000 had already been forwarded; in a word, that an imposing British naval force, with supplies of an extraordinary character, is deemed necessary in this emergency by the British Government. Lieutenant Eden has, I am informed, considerable family influence at home, and, having been dispatched with orders to join his ship at once, is perhaps able to form some idea of the plan of operations. At all events, I know that he expects that some energetic action will be taken very soon. The impression he has is that Chili has the right and will succeed in holding the disputed territory and perhaps extend her frontier so as to include the Peruvian territory south of Arica; that, if the British fleet acts at all, it will be on the side of Chili, or rather against Peru.

I also learn that the Peruvians captured a German steamer at sea with arms for Chili and took her into Callao, but have been obliged to restore her; also that several German men-of-war have been ordered to the west coast to protect German interests.

I would further add that we have on board a legation from Colombia to Lima. The minister tells me that he will presently proceed to Santiago de Chili; that his government favors the submission of the dispute to the arbitration of the President of the United States.

This letter will be sent by the steamer which sails on our arrival at Guayaquil.

Very respectfully, your obedient servant,

HORACE N. FISHER.

Hon. FREDERICK W. SEWARD,
State Department, Washington, D. C.

[Inclosure B in No. 2.]

Mr. Fisher to Mr. Seward.

[Personal] GUAYAQUIL, *July* 14, 1879.

DEAR SIR: We arrived here early this morning and upon going ashore I learned some additional news received yesterday from Callao which I now give.

There have been no active hostilities on sea or land since the news received in New York the last of June. The position of the forces is as follows:

The Peru-Bolivian Army at Arica (20,000?) with advance on River Loa, and an intermediate force near or at Iquique. The Chilian Army, concentrated at Autofagasta numbers 18,000; their advance is at Calamo, where the River Loa (on frontier of Peru and Bolivia) forces its way through the coast range of the Andes. The Calamo Pass is important strategically, because the only road from Cobija, the principal Bolivian port, passes through it going towards the interior of Bolivia. This pass is said to be strongly fortified and held by the Chilians in force.

It is reported that since the naval conflict in the Bay of Iquique the Chilians are unquestionably superior on the sea and that only one of the Peruvian men-of-war, the iron-clad ram Huascar, dares to put to sea; that the Chilians have a large number of steam transports at Autofagasta, and, it is expected, will send a formidable force (10,000) to land in Peru and cut the communications of the Peru-Bolivia army near either Arica or Iquique; that important news of operations on land may be shortly expected. Arica is the terminus of the railroad leading towards Bolivia.

Through the Chilian consul at Guayaquil I learned these facts, and also that Señor Goday, the late minister of Chili at Lima, and now minister at Quito, had just arrived at his house. As I had formerly known Señor Goday, I sent up my card and had a very pleasant interview. The substance of his information was that the Chilian minister to Bogota had been seized on board the British steamer in the harbor of Callao

en route to his destination, and imprisoned in the interior of Peru; and of this fact he was in position to know, as said minister was his own brother.

Señor Goday inquired about the public feeling in the United States in regard to the war. I told him that it was generally believed that Chili was in the right; that the United States Government, I had reason to think, was sorry that the conflict had arisen, and would be pleased to use its good offices as a friend to all to bring about an honorable settlement of the war, provided either of the belligerents intimated a desire for such services; that Señor Arosemena, the minister from Colombia to Peru and Chili, now on board the Lima, had stated to me that, in his judgment, the question would have to be settled by arbitration, and that the United States was the most fitting and would be the most acceptable umpire. Señor Goday seemed much pleased with the idea, and, in answer to an inquiry, told me that he thought that it was not too late to settle the matter by arbitration. This opinion I give, because the opinion hitherto expressed by those acquainted with Bolivia and Peru, is that the quarrel will have to be settled by the sword and fought to the end; and, as my informants have been long resident in Bolivia and Peru, their opinion is worthy of consideration.

My own idea is that a decisive victory on the part of the Chilians will dampen the ardor of the Peru-Bolivians and lead to more moderation, especially as nobody will lend money to Bolivia, and Peru has been unable to negotiate a new war loan. In fact, it is stated that Peru has thus far carried on the war upon a subscription of $15,000,000; but no war can be carried on for any length of time upon subscriptions.

There can be no doubt that the destruction of the launches and loading facilities in the guano and nitrate ports of Peru, estimated by my Bolivian informant at $15,000,000, has seriously crippled Peru, whose revenue has chiefly come from export duties on guano and nitrate.

There may be other information to be forwarded from Callao. At all events I think that this war is likely to prove the most important in the history of South America, unless some amicable and honorable arrangement is made by means of the good offices of the United States.

The presence of large naval forces of European Powers may lead to complications seriously affecting the policy of the United States hitherto adopted since the time of President Monroe, for which reason allow me to suggest that it might be well for our government to consider the course to be pursued in the event of such complications, so as to be ready to act promptly.

Very truly yours,

HORACE N. FISHER.

Hon. FREDERICK W. SEWARD,
State Department, Washington, D. C.

P. S.—My address will be, until further notice, care of Minister of Foreign Relations, Santiago, Chili.

No. 3.

Mr. Martinez to Mr. Hitt.

[Translation.]

LEGATION OF CHILI,
Washington, November 23, 1881.

MY DEAR SIR AND FRIEND: I forgot yesterday to tell you what one of my friends in New York has communicated to me. He tells me that Mr. Adams, the minister of the United States to Bolivia, had given out that he carried instructions of great severity against Chili, and that this pleased him because he hated that country. He added that, in his opinion, Chili should not ask for any other territorial annexation in the desert than as far as the 23d degree, and that it was necessary to have the guano and saltpeter worked by an American company. I tell you what they have told me; but I always find, in the information that reaches me, the specter of the "Peruvian company."

I am your very devoted servant and friend,

M. MARTINEZ.

Mr. ROBERT R. HITT.

47TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. No. 80.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A communication from the Chief of Engineers of the Army, dated January 25, 1882, and accompanying copy of report from Maj. G. L. Gillespie, Corps of Engineers, upon an examination of the waters of New York Bay.

JANUARY 30, 1882.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, January 27, 1882.

The Secretary of War has the honor to transmit to the United States Senate, for the information of the Committee on Commerce, a communication from the Chief of Engineers of the Army, dated the 25th instant, and the accompanying copy of report from Maj. G. L. Gillespie, Corps of Engineers, upon an examination, made in compliance with requirements in the river and harbor act of March 3, 1881, of the waters of New York Bay, from a point between Ellis Island and the docks of the New Jersey Central Railroad to a point between Robbins' Reef Light and Constable Hook, New Jersey.

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT *pro tempore*
of the United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 25, 1882.

SIR: I have the honor to submit herewith a copy of a report to this office from Maj. G. L. Gillespie, Corps of Engineers, of the results of an examination made, in compliance with the requirements of the river and harbor act of March 3, 1881, of the waters of New York Bay from a point between Ellis Island and the docks of the New Jersey Central Railroad to a point between Robbins' Reef Light and Constable Hook, New Jersey.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

SURVEY FROM A POINT BETWEEN ELLIS ISLAND AND THE DOCKS OF NEW JERSEY CENTRAL RAILROAD TO A POINT BETWEEN ROBBINS' REEF LIGHT AND CONSTABLE HOOK, IN WATERS OF NEW YORK BAY, NEW JERSEY.

UNITED STATES ENGINEER OFFICE,
New York, December 28, 1881.

GENERAL: In compliance with section 3, river and harbor act approved March 3, 1881, I have the honor to submit herewith my report on the examination "from a point between Ellis Island and docks of New Jersey Central Railroad to a point between Robbins' Reef Light and Constable Hook, in waters of New York Bay, New Jersey."

This examination was made under the direction of my predecessor, in July and August, 1881, and was conducted personally by Assistant Engineer A. Doerflinger, whose report accompanying this communication gives the outline of the projected improvement and the estimated cost.

The area covered by the examination is locally known as "Jersey Flats," which lie on the west side of the Upper Bay of New York, immediately south of Jersey City, extend to the entrance to Kill van Kull, and comprise 4,886 acres.

The Coast Survey chart of the Upper Bay, prepared in 1855, by comparison with that of 1835 shows that during the intervening twenty years the flats had moved greatly to the eastward, with an accompanying diminution in the depth of water. This shoaling is known to be due in part to the encroachments upon the river front by wharf constructions at Jersey City, and in part to deposits of dredgings taken from the slips in New York City. The shoalings from these sources caused the 20-foot curve between Ellis Island and the canal basin in Jersey City to advance 230 yards, and it has been estimated that the average daily deposit upon the flats was, during the interval stated, 1,500 cubic yards. The bed is composed generally of a deposit of mud, silt, sand, gravel, and bowlders, with an average depth of 6 feet water over it at low stage.

From Oyster Island to Craven's Point, on the Jersey shore, a wide shoal of rock in position underlies the bed; at many points the rock is visible at low-water, but generally lies at an average depth of 12 feet below that grade, with a varying covering of sand and silt, such as is found at other points of the flats. In the immediate vicinity of the small islands which lie adjacent to the main ship channel there are noticed small submerged areas of bowlders.

In 1872 the Coast Survey completed additional surveys to ascertain the extent of the continued shoals on the flats.

To form a comparison with the survey of 1855 a line was drawn from Robbins' Reef Light-House to Bedloe's Island flag-staff, and thence slightly deflected through Ellis Island flag-staff to the New Jersey Central Railroad wharf.

From these datum lines normals were laid off, and by the latter the changes in the 6, 12, 18 and 24 foot curves were noted. It was observed that all the curves had been pushed outwards or eastward, but most conspicuously the 24-foot curve near Ellis Island, which had moved on the average 303 feet, the maximum advance being 825 feet, reducing by so much the width of the main channel for heavy ships and increasing the shoal ground by 129 acres. The 18-foot curve had advanced in the average 211 feet, representing a shoaling of 92 acres, and at Oyster Island the 12-foot curve had advanced over 1,000 feet, due to careless and inju-

dicious dumpings there of city dredgings. It was estimated that the total deposits from 1855 to 1871 upon the *border of the main channel*, due to natural and artificial causes, reached the high figure of 3,000,000 cubic yards. Since 1871 dumpings of city dredgings upon the Jersey Flats have been prohibited by the Pilot Commissioners, and in consequence the shoalings arising from deposits due to natural causes have been so slight as to be almost inappreciable, except on the outer edge of the flats. Later examinations, including the one to which this report refers, show that the flats, being under the lee of the long wharves at Jersey City, and sheltered from the currents which bring down deposits from the upper river, are not subject to further material shoalings, and that the present average and almost uniform depth of 6 feet over the general surface at low stage will be probably maintained indefinitely.

As the many railroads which concentrate at Jersey City now occupy all the best deep-water front in that city for their ferry slips, and for their own storehouses, elevators, and shipping wharves, the city feels sadly in need of a larger water-front to accommodate the commerce which naturally seeks that side of the harbor, and which now goes elsewhere to overcrowd the wharves in New York City and Brooklyn. To get a relief from this state of things it has been proposed to extend on the south side of Jersey City the exterior line of piers farther across the flats towards deep water, so that the property holders on the west shore line may render their water-fronts available for shipping purposes, and increase, by these improvements, the storage and shipping business of the harbor. The movement was commenced in 1864 by the Riparian Commissioners of the State of New Jersey establishing the exterior line of solid filling shown on the chart, 500 feet beyond which was placed the exterior line of piers. These lines follow generally the curvature of the shore. The promoters of the present examination now desire that the government shall excavate a channel 300 feet wide, bottom measurement, and 21 feet deep at low-water, from the wharves of the Central Railroad of New Jersey in a straight line to the deep waters of Kill van Kull, the axis of the channel so excavated to be 670 feet to the eastward of the established exterior line of piers. Should the government undertake the opening of the communicating channel, the Riparian Commissioners agree to extend the exterior line for piers 500 feet beyond the line now adopted, which will then make the prospective piers and their intervening slips accessible to the deep-water channel, and open a shorter and more sheltered interior channel from the docks in Jersey and New York cities to those on Kill van Kull. Already have some of the property holders on the west shore commenced the excavation of channels across the flats to connect their wharves or slips near the present shore lines with the main channel of the bay. Two are shown upon the map; the first, that of Messrs. Morris & Cumings, starts near Pamrepa, and strikes the 12-foot curve midway between Robbins' Reef Light and Oyster Island. It is 8,400 feet long, 100 feet wide, and has 10 feet water at low stage. The second, in process of excavation, extends from Made Island to deep water, midway between Oyster Island and Bedloe's Island, part of it being excavated through the rocky area shown on the chart. It is probable that other channels, with the same object of utilizing the western shore, will be opened at an early day, but their limited width and depth must restrict their use at high-water to vessels drawing not exceeding 15 feet of water, and they will therefore not be able to afford all the relief that is desired.

The estimate which accompanies this report shows that the opening of the government channel, now so earnestly advocated by the property

holders on Bergen Neck, will be a work of great magnitude, and will cost the large sum of $7,134,980. This estimate has been carefully revised, and is approximately correct. Although it is stated that the channel across the flats, opened at the expense of private individuals, has not shoaled since its excavation, it is not at all certain that the government channel once opened will be self-sustaining. The ebb and flood currents set directly across its projected axis, and it is to be expected that a slight degradation of the slopes of the cut in sand and silt will take place, and that a large percentage of the moveable material of the bottom adjacent to the improvement will gradually find its way into the deeper part. For this reason it is almost certain that dredging will be required at intervals to keep the channel free after it has been once opened. The projected channel will surely be of great benefit to any wharves which may be built out to it from the west shore, but it cannot be considered at all a complete, nor even an approximate, solution of the problem which is presented when the future application of the flats is considered. The time will come when this section will be examined with the view to its conversion into wet-basins, and if we heed the rapid growth of the city's commerce and wealth during the past twenty years, we may be impressed with the conviction that this conversion will not be long deferred.

The rapid development and increase of the commercial wealth of London, Liverpool, and other important seaports of the Old World following the establishment of wet-docks to facilitate trade and commerce, furnish prominent examples of what our own largest seaport may develop into when the shipping necessities of the harbor are once appreciated and suitable sums are devoted to the construction of improvements which will extend the field of its commercial greatness by giving not only piers for handling produce entering into immediate consumption, but by giving facilities for housing that designed for exportation.

It is inopportune now to consider the conditions under which this conversion should take place, or to divide by exact lines the water spaces to be reserved; but any adopted plan should be based upon the principle of preserving, as far as possible, the tidal reservoir of the flats which equals 30,000,000 cubic yards approximately. Neglecting at this time, then, all reference to an improvement which contemplates the construction of wet-docks, it will be stated that the immediate effect of opening a channel 300 feet wide from the north to the south end of the flats will be, first, to diminish in a moderate degree the sailing distance between the New York City wharves and the waters of Kill van Kull, and to give a better protected interior channel for the shipping between those points; and, second, to diminish in the average by 3,700 feet the length of piers, or piers and channels, connecting the west shore line with the deep-water channel to enable that portion of the water front to be utilized to an equal extent with other parts of the bay. As the flats are quite shoal, well sheltered from river currents, and have their eastern edge precipitous and bold, it is believed that the building of piers and docks across them will not disadvantageously effect the present currents of the main channel and that these improvements may be made without conflicting with any interest involving the security and preservation of the navigation of the Upper Bay or of any of its approaches.

Jersey Flats are in the collection districts of New York and Newark, N. J., which are the nearest ports of entry. The nearest fort is at the Narrows, and the nearest light-house on Robbins' Reef, Upper Bay, New York Harbor.

The amount of revenue collected at the port of New York, for the year ending June 30, 1881; was $139,579,562.83.

The amount collected for the same period at Newark, N. J., was $9,327.06.

Number of vessels permanently documented at Newark for the coasting trade is 28 sail and 30 steamers, with an aggregate tonnage of 5,402 tons. Vessels entered from foreign ports, 49; vessels cleared for foreign ports, 10.

The proportion of commerce represented by the foregoing figures which will be benefited by the improvement cannot be given approximately. It has been estimated as high as $10,000,000 annually.

I am, general, very respectfully, your obedient servant,

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., U. S. A.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. A. DOERFLINGER, ASSISTANT ENGINEER.

NEW YORK, *December*, 12, 1881.

MAJOR: I have respectfully to submit the following report on the examination of New Jersey Flats, made with the view of determining the feasibility and cost of constructing a ship-canal extending "from a point between Ellis Island and the docks of the Central Railroad of New Jersey to a point between Constable Hook and Robbins' Reef Light, New York Harbor."

The field work of the survey was executed between July 10 and August 23, 1881, under instructions from the late Lieut. Col. N. Michler, Corps of Engineers, Brevet Brigadier-General, United States Army, and was confined principally to make borings in order to determine the character and extent of a ledge of rock underlying the flats off Craven's Point.

The soundings on the chart submitted herewith are taken principally from a United States Coast Survey chart, based on resurveys made in 1871, 1872, and 1873. In connection with the borings, however, soundings were also taken in the present examination, and compared with those of the United States Coast Survey; no material difference was found to exist between the present soundings and those of 1871, 1872, and 1873, from which it appears that no marked change in the depth of water over the portion of the flats examined has taken place since the date of the earlier survey.

The total number of borings made is 328, of which only those most characteristic are shown on the map; they were made with a well-pointed iron rod, which could be lengthened at will by the addition of 10-foot sections. This rod was churned down from a platform framed across two row-boats by the united efforts of two men, until rock or other impenetrable strata was reached; the rod was withdrawn by means of a simple windlass arranged for the purpose on the platform. The position of each boring was located by sextant observations. From this investigation it was found that the material composing the upper stratum of the flats is principally mud, soft on top, becoming more or less stiff and harder with depth. A ledge of rock was found to extend out from Craven's Point to the main ship-channel. The higher portions of this ledge come to the surface at several points on a line drawn from Craven's Point to the southerly end of Oyster Island, which latter is one of the summits of the ledge. Outcropings of the rock, which consists of gneiss nearly vertically stratified, the strata running in a northeasterly direction, are also found on the mainland at Craven's Point. Sand, shells, and gravel, and mixtures of the latter, from the more immediate covering of the rock, accumulations of bowlders of various sizes, some of which are dry at low-water, were found at the points where the rock comes to the surface. Immediately north of the ledge, for a distance of about 2,000 feet, soft mud was found to a depth of 22 to 23 feet below low-water; from this point to the docks of the Central Railroad hard sand was found a short distance below the surface. To the south of the ledge mud was generally found to a depth of 18 to 21 feet, below which, in most instances, sand and clay was reached. To determine the velocity and direction of the tidal drift, current observations were made off Craven's Point, and also between Ellis Island and the docks of the Central Railroad. The observations at each station were continued during the greater part of one tide. On the chart the direction and velocity of maximum current only is indicated.

During the period covered by the observations, about 4 hours on each tide, but little change in the direction of the current was observed, with the exception of the flood current at the last-mentioned station, the direction of which during maximum velocity was found to bear 10° further north than during the first and last stages of the tide.

Between Ellis Island and the docks of the Central Railroad maximum ebb current occurs about 4 hours after the preceding high-water, and maximum flood about 4 hours after the preceding low-water.

Off Craven's Point maximum flood current happens about 4 hours after preceding low-water, and maximum ebb 3 hours after preceding high-water.

From observations on the currents in the Hudson River, between Bedloe's Island and Castle Point, made under the direction of Col. John Newton, Corps of Engineers, in 1874, it was found that "the occurrence of maximum discharge of the river takes place about 14 hours 19 minutes after moon's transit"; and also that "the swiftest flood currents happen about 8 hours 22 minutes after moon's southing". (Report of the Chief of Engineers, 1875, page 217, part 2.)

At the "Idle Hour" dock the mean interval of high-water after preceding moon's transit is 8 hours 1 minute, and mean duration of fall of tide 6 hours 32 minutes; from which it appears that maximum ebb in the Hudson River happens 6 hours 18 minutes after high-water, or about 2 hours 18 minutes after the occurrence of maximum ebb on the flats near Ellis Island, and 3 hours 18 minutes later than off Craven's Point; and likewise that maximum flood in the Hudson River occurs about 2 hours 28 minutes later than at both current stations on the flats.

To obtain access to the deep water of New York Harbor it is the desire of the owners of the lands bordering on the flats, and of others interested in the utilization of the flats for the purposes of trade and commerce, that a ship-channel be constructed about 500 feet outside of the pier line as at present established from the docks of the Central Railroad to Craven's Point, the channel to continue in a straight line to the deep water of Kill van Kull. The Riparian Commissioners of the State of New Jersey propose, should the construction of the channel be undertaken by the United States Government, to establish a new pier line to coincide with the westerly limits of this channel so that the future pier heads will thus be accessible from the navigable waters of the bay. In addition to affording a means of deep-water communication between future piers that may be built on the flats and the navigable waters of the harbor, the channel would somewhat shorten the distance from points on the Hudson River to points on Kill van Kull, and would afford a more sheltered water-way to the numerous tows now plying between these points, and one more free from strong head currents than the main ship-channel.

The proposed channel is shown on the chart. The depth of the projected cut has been assumed at 21 feet at mean low-water, with a bottom width of 300 feet, and slopes of 1 upon 1 in earth, the sides of the cut through rock to be nearly vertical. The quantity of excavation has been calculated from the soundings and borings. The rock cutting should be regarded as approximate only, since a more detailed survey than it was possible to make with the funds available for the present examination would be necessary to determine this amount with a greater degree of accuracy. It will be seen by an inspection of the chart that both the ebb and flood currents do not run in the direction of the proposed cut, but make an angle of about 22 degrees with the same. It is probable, however, that the effect of the channel, should the same be excavated, would be to somewhat modify the present currents on the flats, so that on the completion of the work the direction of the tidal drift would become more nearly coincident with that of the channel, and the currents, by their scouring action, tend to keep the channel open; especially would this result be likely to follow should piers be built from the main land out to the line of the channel. Still, in all probability, more or less silting up would take place by the washing in of the banks of the cut, at least in those portions where the cutting is through soft mud, as is the case directly north of the ledge of rock, so that redredging would likely become necessary from time to time in order to maintain a depth of 21 feet in the channel.

The estimated cost of the proposed channel is herewith respectfully submitted. The cost of $12 per cubic yard for rock excavation is based on the supposition that the work will be done in the ordinary way of drilling from the surface, breaking the rock up by blasting, and removing the fragments by means of a dredge. It is believed, however, that should appropriations be made sufficiently large to warrant the adoption of a comprehensive plan of operations the greater portion of the rock could be removed at a much less cost by inclosing the area to be operated on with a coffer-dam, and carrying on the excavation in open cut.

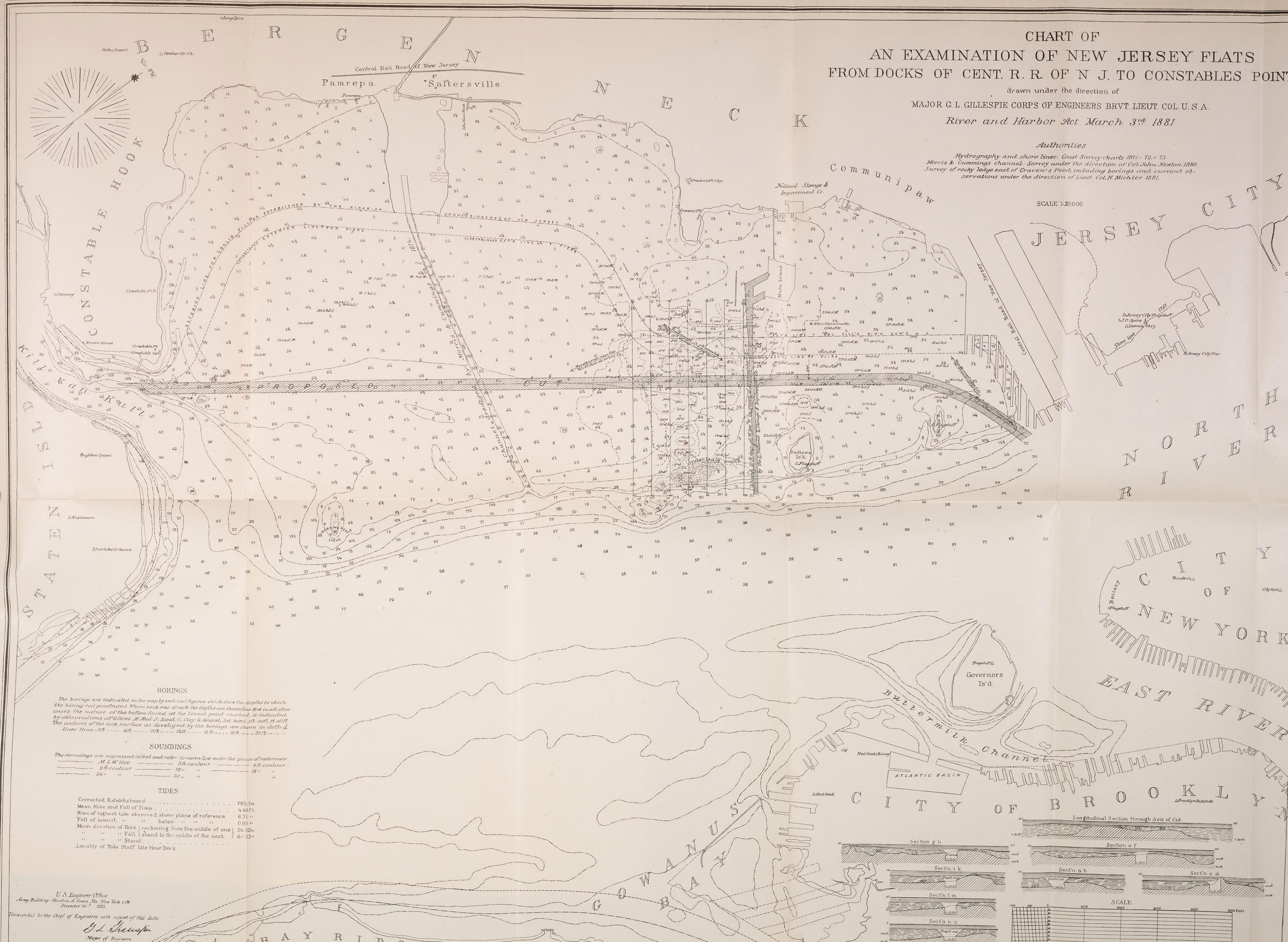
ESTIMATE OF COST.

458,333 cubic yards rock excavation, at $12 per yard	$5,499,996
3,945,400 cubic yards dredging, at 25 cents per yard	986,350
Engineering, contingencies, &c	648,634
Total	7,134,980

I am, very respectfully, your obedient servant,

A. DOERFLINGER,
Assistant Engineer,

Maj. G. L. GILLESPIE,
Corps of Engineers, Bvt. Lieut. Col., U. S. A.


CHART OF
AN EXAMINATION OF NEW JERSEY FLATS
FROM DOCKS OF CENT. R. R. OF N. J. TO CONSTABLES POINT
drawn under the direction of
MAJOR G. L. GILLESPIE CORPS OF ENGINEERS BRVT. LIEUT. COL. U. S. A.
River and Harbor Act March 3rd 1881
Authorities
Hydrography and shore lines: Coast Survey charts 1871.- 72.- 73.
Morris & Cummings channel: Survey under the direction of Col. John Newton 1880.
Survey of rocky ledge east of Craven's Point, including borings and current observations under the direction of Lieut. Col. N. Michler 1881.
SCALE 1:20.000
BERGEN NECK
CONSTABLE HOOK
STATEN ISLD
Kill van Kull
Communipaw
JERSEY CITY
NORTH RIVER
CITY OF NEW YORK
EAST RIVER
CITY OF BROOKLYN
Buttermilk Channel
Governors Is'd.
Bedloe's Is'd.
Ellis Is'd.
Oyster Is'd.
ROBBINS REEF LIGHT
ATLANTIC BASIN
GOWANUS BAY
BAY RIDGE
Pamrepa
Saltersville
Central Rail Road of New Jersey
Made Island
National Storage & Improvement Co.
PROPOSED CUT
BORINGS
The borings are indicated on the map by inclined figures which show the depths to which the boring rod penetrated. Where rock was struck the depths are shown thus: 15○6 in all other cases the nature of the bottom found at the lowest point reached, is indicated by abbreviations as follows: M. Mud, S. Sand, C. Clay, G. Gravel, hd. hard, sft. soft, st. stiff. The contours of the rock surface as developed by the borings are shown in dotted lines thus: 3ft. 6ft. 9ft. 12ft. 15ft. 18ft. 21ft.
SOUNDINGS
The soundings are expressed in feet and refer to mean low water the plane of reference
M. L. W. line 3ft. contour 6ft. contour 9ft. contour 12" " 18" " 24" " 30" "
TIDES
Corrected Establishment . . . VIII h. 1m.
Mean Rise and Fall of Tides . . . 4.46 ft.
Rise of highest tide observed above plane of reference 6.31"
Fall of lowest " " below " " " 0.95"
Mean duration of Rise / Fall (reckoning from the middle of one stand to the middle of the next) 5h 52m. / 6" 32"
" " " Stand . . .
Locality of Tide Staff Idle Hour Dock
Longitudinal Section through Axis of Cut
Section g h
Section e f
Sect'n i k
Sect'n a b
Sect'n c d
Sect'n l m
Sect'n n o
Horizontal Scale of Sections 20000
Vertical " " " 1:1000
SCALE
U. S. Engineer Office
Army Building - Houston & Green Sts. New York city
December 20th 1881.
Forwarded to the Chief of Engineers with report of this date
G. L. Gillespie
Major of Engineers.
Bvt. Lieut. Col. U.S.A.

47TH CONGRESS, 1st Session. } SENATE. { Ex. DOC. No. 81.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING,

In compliance with law, the report and opinion of the U. S. surveyor-general of the Territory of Arizona, on private land claim No. 13, *known as "Rancho de Otero and House Lot."*

JANUARY 30, 1882.—Referred to the Committee on Private Land Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, ——— —, 18—.

SIR: Pursuant to section 8 of the act of July 22, 1854 (10 Stat., 308), as extended by the sundry civil act of July 15, 1870 (16 Stat., 304), I have the honor to transmit herewith the report and opinion of the United States surveyor-general of the Territory of Arizona, on private land claim No. 13, known as "Rancho de Otero and House Lot," heirs of Torrevio de Otero, claimants; also a duly authenticated transcript of the title, papers, and testimony in the case, a plat of preliminary survey of the claim, and the report of the Commissioner of the General Land Office as to the validity of the claim, &c.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT OF THE SENATE *pro tempore.*

[Extract.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 19, 1882.

SIR: * * * I cannot add anything to what has already been stated in said report concerning the proposed confirmation of said grant, but would suggest, as a general proposition, that in my judgment it would be advisable for Congress, in any acts that may be passed confirming private claims, to omit in such legislation any provision adopting and approving the preliminary surveys thereof, and thus leave all questions affecting the proper location of the boundaries of such claims to this office and the department, as was done in cases of claims confirmed by Congress, where preliminary surveys had not been made.

These surveys form no part of the proceedings had by the surveyor-general of New Mexico under the eighth section of the act of July 22, 1854, which relate to the adjudication of questions of title, but were authorized, out of the appropriation made by the act of March 3, 1877 (19 Stats., p. 348), for the survey of private land claims, and since then Congress has made specific appropriations for them.

They were intended merely for the information of Congress, and have not undergone such examination as to their correctness as would be given to the survey of a confirmed claim before issuing a patent, and some are objected to, and some are evidently incorrect as to the boundaries adopted, and quantity of land included, and the taking of testimony may be necessary to determine correctly the several locations.

* * * * * * *

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 23, 1882.

SIR: Referring to your letter of the 17th instant returning the papers in certain private land claims in the Territories of New Mexico and Arizona for examination, I have the honor to submit the following in the case of the Rancho de Otero and House Lot.

The papers in this case relate to proceedings had before the surveyor-general of Arizona under the act of July 15, 1870 (16 Stat., p. 304), for the confirmation of said grant, and consist of copies, duly authenticated, of:

1. Petition, in grant to Otero, 1789.
2. Original title same.
3. Translation of same.
4. Petition, in grant to Martinez, 1838.
5. Original title to same.
6. Translation of same.
7. Deed, Martinez to Otero.
8. Testimony.
9. Opinion of Surveyor-General.

I have carefully examined these papers. The translations are substantially correct. In the deed (No. 7) from Martinez to Otero, dated June 29, 1880, I find that the description of the land conveyed does not agree with the description of the same in the original grant of November 12, 1838. In the grant the cords are described as being of 25 varas, while in the deed they are said to contain 50 varas. This, however, is evidently a mere clerical error and has nothing to do with the validity of the grant.

The surveyor-general has made a clear and lucid statement of this case in his report, and I can only add that I see no reason to doubt the validity of the claim.

With regard to the preliminary survey of this claim made by the said surveyor-general, I respectfully refer to my letter to you of the 18th instant in relation to the claim known as Cañon de Chama, in New Mexico, as my expression of opinion in that matter applies equally to the case in point. (See extract inclosed.)

The papers and plat of survey in the case are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

N. A. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

PRIVATE LAND CLAIMS OF RANCHO DE OTERO AND HOUSE LOT, ARIZONA.

DOCKET NO. 13.

(Date of Report, March 1, 1881.)

Transcript of proceedings before the United States surveyor-general for Arizona, in case of Rancho de Otero, claimed by heirs of Torrevio de Otero.

LIST OF PAPERS.

Petition, grant to Otero, 1789.
Original title grant, 1789.
Translation.
Petition, grant to Martinez, 1838.
Original title grant, 1838.

Translation.
Deed, Martinez to Otero.
Testimony in case.
Opinion of surveyor-general.

PETITION.

Before John Wasson, United States surveyor-general of Arizona.

In the matter of the application of Sabino Otero and others for confirmation of Spanish grant near Tubac.

Now come Sabino Otero, Fernando Otero, Teofilo Otero, Gabriela Otero, Elena Castro, and Anna M. Cannen, by their attorneys Lindley and Corella, and show in this petition:

I. That in 1798, Nicolas Erran, commander of the presidio of Tubac, then under the jurisdiction of the king of Spain, and being duly empowered by said king and by the sovereignty of Spain, granted as such commander, to Torivio de Otero, a tract of land situated in the jurisdiction of said Presidio and near what is now known as the town of Tubac in said Territory, as will more fully appear by a true copy of said grant correctly translated into English and which is made part of this petition annexed hereto and marked Exhibit A. A true copy in Spanish is also made a part of this petition and annexed hereto and marked Exhibit B.

II. That said grant was duly recorded in the archives of said presidio, but the said archives were many years ago destroyed, or lost, during the Indian incursions, when the presidio and surrounding country were laid waste.

III. That the petitioners are the lineal descendants of the said Torivio Otero, through Atanacio Otero, the son of Torivio Otero, and Manuel Otero, the son of Atanancio Otero, and father of Sabino, Fernando, Teofila, Gabriela Otero, and Elena Castro, and the grandfather of Anna M. Cannan, and they are the only legal heirs and representatives and heirs at law of said Torivio, and they are the exclusive legal owners of said land. Torivio, Atanacio, and Manuel (ancestors) are deceased.

IV. That the land contained in and claimed under said grant, and the possession given thereunder, consists of about four hundred acres, more or less, and is the same that is now and for a great period has been marked, inclosed, and known as "Otero's Ranch," which includes the old ditch and ruins of the house built by said Torivio, and known as "Casa de Alto," and referred to in the grant. The land lies on both sides of the Santa Cruz, about one mile north of the center of the town of Tubac. The possession of said lands by Torivio and his heirs has been uninterrupted from the date of said grant till the present time, except at short intervals when the hostile Indians overran and laid waste the country, and drove the inhabitants from their lands and houses.

V. That the said Torivio was placed in possession of said tract of land by the said commander at the time of making said grant, and that he and his heirs and descendants have always occupied and cultivated said land, and your petitioners now occupy and cultivate the same. The extent of the possession given to said Torivio, and continued through the generation to your petitioners, is the same as now marked by the inclosure.

VI. That said Torivio occupied said lands for about fifty years, and fully performed all the conditions and requirements contained in said grant, wherefore your petitioners pray that said grant may be confirmed in equal parts to your petitioners as equal heirs, or to the legal heirs and representatives of Torivio Otero, the original grantee.

LINDLEY & CORELLA,
Attorneys for the Petitioners.

Filed December, 1879.

JOHN WASSON,
United States Surveyor-General.

ORIGINAL TITLE.

Dos reales. Sello tercero, dos reales, años de mil setecientos nonenta y ocho, y nonenta y nueve.

[L. S.] Dn. Nicolas de la Erran, The. Comte. de la Compa. de Pimas de Tubac.

Por cuanto, hauendo seme presentado el becino Torrivio de Otero, solar, y tierra para abicindarse en este presidio, y travajar en su aficio de labrador; atendiendo á la vtilidad qe. resulta con la radicacion de vecinos lavorios, como el suplicante qe. cultinen sus tierras, y lo abastescan de ganados, que en diferentes estancias, ha sido preciso solicitar los á largas distancias. Por tanto, vsando de la facultad, que El Rey

me tieno concedido, merceno al espresado Torrivio de Otero, y le endono como primer poblador, perpetuamente, para siempre jaras, y por juro de heridad, para si; sus higos, y decendientes, un solar para fabricar su casa, en el lado de habajo de este presidio, á la parte del sur, con el frente al norte, de 20 vs. de canesera, y la labor, como medio cuarto de legua distante del presidio, por solo de ay, pender la poca aqua qe. ba en el rio, y aberecho de por si, la toma de agua, y le merceno igualmente, á nombre de S. M. (Q. D. G.) quatro suertes de tierra, que se comensaron de medir, por la parte del sur, al norte y de oriente á poniente, quatro cientsas varas; cuyo espacio, en circunferencia consiste en 3 mil y cuatro cientas varas, bien entendido qe. el espresado Torrivio de Otero, ha de mantener armas, y cauallos, y estar pronto á defender el pais de los enemigos qe. le ostilisan, y á salir contra ellos, siempre qe. se le mando, que en el espacio de 4 años contando desde esta fha. no prede bender; enagenar; hipotecer, ni ynponer gravamen alguno sobre dho. solar, y tierra avuque sea con motibo piadoso; que en el termino presiso de dos años, á de tener echa su casa, y familia en este presidio, por el termino de quatro años para adquirer verdedero, dominio y propiedad de las tierras; solaras y edificios, que hubien labido en el y que pasado este tiempo tendrá facultad, para poder henderlas, enagenerlas, y hacer de ellas á su boluntad libremente, como de cosa propia; pero, con la condicion, de que, nunca podra venderlas á Yqa.; monasterio; persona eclesiastica; comunidra, ó manos muertas, vajo la misma pena indicada arriba y enterado de todo, y de plantar arboles frutales ú otros, que sean vtiles, slué al espresado Torribio de Otero de la mano al citado solar y tierra, en donde le di posesion vsando de las formalidades acostumtrados, de desboser tirar piedra y arrancar beno, ó racate, y pa. su constancia, le doy la presente de que queda copia en el protocolo del archivo de este presidio, que firmé con testigos de assa. á los diez dia del mes de enero, de mil setecentos ochenta y nueve.

NICOLAS DE ERRAN.

RAMON GUATE. DE ERIENS
Assa.

YGO. BORGH.,
Assa.

[Translation.]

[SEAL.] Third seal, twenty-five cents. Years one thousand seven hundred and ninety-eight and ninety-nine.

{1802 SEAL 1803} Don Nicolas de la Erran, Lieut. Commandant of the Company of Pimas of Tubac.

{1806 SEAL 1807} Whereas, the resident, Torrivio de Otero, has presented himself to me, petitioning for a house lot (solar) on which to establish himself in this presidio, for the purpose of pursuing his calling as an agriculturist, and in consideration of the utility resulting from the establishment of industrious settlers, such as the pettiioner, who will cultivate the soil, thereby furnishing a supply of grain which, in some seasons, has to be brought a long distance, I, therefore, in the exercise of the faculties conferred on me by the king, grant to the said Torrivio de Otero, and donate to him, as a first settler, perpetually, forever, and with right of inheritance to him and his children and descendants, a lot on which to build his house, on the lower side of this presidio, in the direction of the south, with a front to the north of twenty varas; and a tract of land for cultivation, distant from the presidio about one-eighth of a league, since only at that point is found the little water that runs in the river, and he having made there his irrigating ditch; I grant him also, in the name of the king (whom God preserve), four "suertes" (farming lots) of land, the measurement of the same to be made from south to north, and from east to west four hundred varas, which tract is embraced in a circumference of three thousand, four hundred varas; it being well understood that the said Torivio de Otero is required to keep arms and horses, and to be ever ready to defend the country against the enemies thereof, when he is called upon so to do; it being also understood that until the term of four years shall have passed, counting from the present date, the grantee cannot sell, alienate, or mortgage the said land, nor can he impose any incumbrance on the said house, lot, or tract of land, although it should be for pious purposes; that within the precise time of two years he shall have built his house, and that he shall have resided with his family in this presidio, for the term of four years, before he can acquire the full dominion of property in the lands and solar (house lot), and the improvements he may have made thereon; and that when this time shall have passed, he shall have power to sell or alienate said lands and house lot, and to make such use thereof as he may see fit, as of a thing belonging to himself, under the condition that he shall never be permitted to sell the same to the church, or to any monastery, ecclesiastical person or community, nor convey them in mortmain, under the penalty above mentioned, the grantee being also required to plant upon said land fruit trees, or other kinds that may be of some utility. And the said Torrivio de Otero being informed of the foregoing, I took him by the hand and gave him

possession of said lands, he, according to custom, scattering earth and stone sand, pulling up herbage.

In testimony of which I give him the present document, which remains, copied, in the protocol of the archives of this presidio, signing the same, with the assisting witnesses, on the tenth day of the month of January, 1789.

NICOLAS DE LA ERRAN.

RAMERO GARA.,
Assistant.
IGO BORGR.,
Assistant.

PETITION, GRANT TO MARTINEZ, 1838.

Before John Wasson, United States surveyor-general for Arizona.

In the matter of the petition of Sabino Otero and others, for the confirmation of a pueblo land grant in the town of Tubac.

Now come Sabino Otero, Fernando Otero, Gabriela Otero, Elena Castro, and Anna M. Cannen, by their attorneys, Lindley & Corella, and show in this petition:

I. That in the year 1838, the town of Tubac, situated in Arizona, was a pueblo under the laws of Mexico, and it continued to exist as an important frontier town at the time possession was taken of New Mexico by the United States, and was in that condition at the date of the act of July 22, 1854.

II. That said pueblo by the laws of Mexico and from the fact of being a pueblo, became vested with nine square leagues of land in which was included the town, and which was held by said pueblo for distribution to the inhabitants thereof.

III. That in the said year of 1838 the said pueblo granted, through its proper officers, a tract of pueblo lands to José M. Martinez, then an inhabitant and head of a famiiy in said pueblo, as more fully appears by the original grant which is presented and filed herewith, as proof and reference in this case.

IV. That a proper petition was made and presented by said Martinez to the proper officers of said pueblo, showing all facts necessary to give such officers jurisdiction to make said grant, and in all things and proceedings touching the making of said grant, the said officers acted regularly and legally and by and within the powers and jurisdiction conferred upon them by law, as will more fully appear by the proceedings recited in said grant.

V. The land included in and claimed under the grant is situated in the then pueblo, now town of Tubac, and is the same that is now occupied by Otero's store. The tract is rectangular, 700 varas long, from north to south, and 175 varas wide, from east to west, and is more fully described in the grant presented herewith. Possession of said tract was duly given and measured to said Martinez by the proper officers of said pueblo. A copy of said grant and a translation thereof are annexed, and marked Exhibits A & B.

VI. That on the 2d day of March, 1859, the said Martinez sold and conveyed said tract of land by written conveyance to Manuel Otero, the father of said Sabino.

VII. That your petitioners being the heirs at law of said Manuel, who died intestate, are now the exclusive owners, by inheritance, of said tract of land.

VIII. That the said Martinez, and after him the said Manuel Otero, now deceased, have been in continuous possession of said tract from the date of the grant to the present time.

Whereupon the petitioners pray that the said grant be confirmed to them in equal parts, or to the legal representatives of Manuel Otero, deceased.

LINDLEY & CORELLA,
Attorneys for Petitioners.

Filed December 1, 1879.

JOHN WASSON,
United States Surveyor-General.

ORIGINAL TITLE GRANT.

PRESIDIO DE TUBAC, AÑO DE 1838.

Testimonio de diligencias practicadas de mensura de tierras de pan llevar á favor del ciudadano José Ma. Martinez desta banda del rio camino real, nombrado las Galeras, por el juez de paz, Dn. Trinidad Yrigoyen..

Sor. Juez de Paz, D. TRINIDAD YRIGOYEN:

José Ma. Martinez, vecino de este presidio, ante V. con la mayor forma de derecho, paresco y digo: que habiendo mercado una suerte de tierra de pan llevar al Co. Trini-

dad Yrigoyen cuya tierra se me entregó sin ninguna constancia de medidas, por que este Sor. Carcalla de ellas por no haberseles dado el Sor. Comte. D. José Ma. Villavacencia, quien fué él que permitió abitarles, por donde este hasta el dia se balla situado de mercea, y que siendo que en mi poder existan documentos, que acaditan que es mia, suplico á V. se serva, si lo tiene á bien, tome nuebas medidas, como tambien esten derme las pruebas de ella, para su seguridad.

Por tanto suplico á V. aministre la justicia, que V. ante cede, si lo hallase de justicia admitiendome mi solicitad en este pepal pr. la ynopia del ge. corresponde, pagando su ymporte. Juro no ser de malicia de que doy feé.

JOSÉ MA. MARTINEZ.

Por presentado y admitido, procedase por mi, yo el juez de paz de este presidio, y conforme á la solicitud del vecino ciudadano José Ma. Martinez, nombré pa. oficiales medidores acompaniendo estos el interesado y testigos de asistencia, con las colindantes pasa la mensura de dhas. medidas el juez de este puesto militar, ciudadano Trinidad Yrigoyen, asi lo determino, mandó y formó.

TRINIDAD YRIGOYEN.

Nombramiento de officiales medidores.

En el sitado de Tubac, dicho dia, mes y año, siendo presentes los enunciados Pablo Contreras y Franco Usarraga, se les hizé saber abian sidos nombrados de medidores del terreno que se ba de mercenar, quienes aceptaron dho. encargo oficiendo cumplir con sus oficios fiel y legalmente, sin fraude, dolo ni encubierto y para constancia, se paso estas diligencias que firmaron con migo dichos oficiales nombrados y los testigos de mi assistencia á falta de escribano, segun derecho.

TRINIDAD YRIGOYEN.
FRANCISCO USARRAGA.
PABLO CONTRERAS.

Medidas.

En doce dias del mes de novembre de mil ochocientos treinta y ocho, yo el ciudadano Trinidad Yrigoyen, juez de paz de este presidio de Tubac, con arreglo al título 11 del Reglamento particular de presidios, estando de esta banda del rio, rumbo al poniente, camino real, al Tucson, á las inmediaciones del presidio, acompañados de los oficiales medidores, les entregó estas un cordel, bien torcido y estirada y una bara castellana, los cuales se medieron á su satisfaccion, y la del interesado José Ma. Martinez, treinte y cinco baras, y concluidas estas operaciones, amarados á las puntas del citado cordel, dos palos, se comensó las medidas de la cerca de Don Atanacio Otero, desde cuya punta, se fueron mediendo y contando, rumbo al sur, hasta veinte y ocho cordeles que remataron al pie de una mesita frente á un mesquite prieto, el cual quedó por lindero, estando concluida la medida de norte á sur, se bobrió á tender el cordel, y se midieron, de oriente á poniente, siete cordeles por cuyo veinte, esto es (por el onente)* remataron al pie de una loma en donde esta ubicada una casa, ó galera, rumbo al poniente ; por el poniente sirbe de lindero, la oria del rio, resultan que la medida sur á norte sete sientas varas, y de oriente á poniente, siento selenta y cinco varas con cuella medida á quedado conforme el interesado, quedando advertido, que estos linderos le serven por conocimiento y sujesion, y en estos terminos, se concluyeron estas medidas y firmaron con migo el interesado y los dos testigos de mi asistencia á falta de escribano, segun derecho.

TRINIDAD YRIGOYEN.
JOSÉ MA. MARTINEZ.
FRANCO. USARRAGA.
PABLO CONTERAS.

Acto pa. qe. le notifiguen al interesado los condiciones que deve preceder para adquirir dere cho al terreno medido.

En siete dias del mes de novembre de mil ochocientos treinta y ocho, estando concluida la medida del terreno, que soliciten, José Ma. Martinez, notifiquesele, que para que pueda adquirir la propiedad y señoria á nombre de la nacion mejicana, perpetuamente para siempre jamas por juro de beridad, para si, sus hijos y desendentes, deve forsosamante sujetarso á las condiciones siguientes ; que permitiendoselo sus proporciones, á de ser su principal atencion; mantener armas y caballas, para defender el

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* Words (por el onente) partially obliterated.

pais con teson; es fuerso, fidelidad en los incursiones de los enemigos que la hostilisan y salir contra eyos, siempre que la necesidad lo esija; así como tambien á ser el servicio que por falta de tropa le corresponde, qué precisamente á de mantener su fija residencia y la de su familia en este puesto militar por espacio de cuatro años, que durante este termino no á de poder anagenar, ipotecar, graban alguno al terreno mersenado aunque sea con motivo piadosa; que dentro del preciso termino de dos años, deverá tener cultivadas [en labor la enunciada tierra bajo la pena de perderlas siempre que las abandonose dentre del termino prefijado, pues en este caso sele adjudicará á otro vecino mas aplicada, que cumplidas los espuestos condiciones, y berificada su fija resi. dencia, y la de su familia el tiempo de los cuatro años senalados, adquirá el verdedero dominio de la mencionada tierra, y desde entonces, en adalante tendrá facultad, para poder enagenar y usar de *eya*, á su boluntad como de cosa propia segun lo espuesto por las leyes de la recapilacion Mejicana; pero, con la restricsion de que, en ningun tiempo á de poder bendorlos á yglesia; monasterio; persona eclesiastica, comunidad ni otros de los que yaman manos muertos como lo disponen las mismas leyes, bajo la pena alque la contravienende perder dha. tierra y finalmente, dentro de tres meses contados desde la ficha tendra precisa obligacion, de tomar posesion de la enunciada tierra, y de plantar todos los linderos de arboles frutales, ú otros que sean utiles al abasto de la poblacion, por cuya medida gosará su distrito de buena y aprobable disposicion, y podrá aprobecharlo de frutos, leña y madera, que produscan para su uso domestico y para los utencilios de labranza que indispensablemente necesitan; y por este auto asi lo probáy y mandé, y firmé con testigos de asistencia á falta de escribano, segun derecho.

TRINIDAD YRIGOYEN.
FRANCISCO USARRAGA.
PABLO CONTRERAS.

Notificacion.

En el mismo puesto militar de Tubac, dicho dia, mes y año á efecto de lo mandado en el auto que autendo comparescó José Ma. Martinez en su persona. Se le notificó y iso saber su contiendo de cuyo espreso enterado dijo: Que conformandose con lo resulto y determinado por el sor. juez, esta pronta á cumplir cuanto se le previene, y para ello y su resguardo pide se le dé el correspondiente testimonio asi respondió y los testigos de mi asistencia, con quienes actuo á falta de escribano, segun derecho.

TRINIDAD YRIGOYEN.
PABLO CONTRERAS.
FRANCISCO USARRAGA.

Auto de conclusion.

En el mismo puesto, dicho dia, mes y año, yo el presente juez dijé que en besta de la conformidad de la parte ynteresada que preceden y mandé que al cholandose estos autos originales, se livre al interesado Martinez el testimonio que solicata el que scriverá de título, y por esto auto basi lo provây, mandé y firmé con los testigos de mi asistencia con quienes actuo en la forma ordinaria á falta de escribano, segun derecho.

TRINIDAD YRIGOYEN.
PABLO CONTRERAS.
FRANCISCO USARRAGA.

Razon.

En dho. dia del mes de abril de 1838 se espedio al interesado al testimonio correspondiente y para constancia, lo firmé, señalada con una rubrica concuenda con su original, que queda en el archibo de mi cargo, á que mi remito ba fiel y legalmente sacado en estos cuatro fojas utiles en papel comun, por no haberlo del sello necesario, pues [several words here obliterated] y se saco á pedimiento del C. José Ma. Martinez, en el puesto militar de Tubac, en dicho dia del mes de novembre, de mil ochocientos treinta y ocho, autorizado y firmado de mi mano, con los testigos de mi asistencia, con quienes actuo yo el primer juez de paz del citado puesto militar, Don Trinidad Yrigoyen, por falta de escribano, que no lo hay.

TRINIDAD YRIGOYEN.

[Translation.]

PRESIDIO OF TUBAC, YEAR 1838.

Testimony of the proceedings in the measurement of the sowing lands of the citizen José Ma. Martinez, on this side of the river on the high road named Los Galeros by the justice of the peace Don Trinidad Yrigoyen.

To the Señor Justice of the Peace, Don Trinidad Yrigoyen:

I, José Ma. Martinez, a resident of this presidio, before your honor, in due form of law, appear and say: That, having purchased a lot of sowing ground from the citizen Trinidad Yrigoyen, which land was delivered to me without any evidence of the

measurement of the same, because this gentleman had not the same in his possession, it not having been given him by the Señor Commandante Don José Ma. Villavacencia, who was the officer who gave him permission to inhabit the place he now occupies, and where he has received a grant, and since I have in my possession documents showing that the land belongs to me, I pray your honor to be pleased to measure said lands for me, and to give me the necessary testimony for my security. Wherefore I pray your honor to admit this, my petition, on this paper, since I have none of the corresponding quality, obligating myself to pay the corresponding cost, swearing that I ask this in good faith, &c.

JOSÉ MA. MARTINEZ.

The foregoing petition having been presented and admitted, I, the justice of the peace of this presidio, in compliance with the petition of the citizen José Ma. Martinez, appointed the official measurers, and, accompanied by these, the interested party, the assisting witnesses, together with the colindantes, I, the judge of this military post, the citizen Trinidad Yrigoyen, thus ordered and signed.

TRINIDAD YRIGOYEN.

At the said place of Tubac, on the said day, month, and year, present the citizens Pablo Contreras and Francisco Usarraga, I notified them of their appointment, whereupon they appeared to discharge their official duty legally and faithfully and without fraud or deceit.

In witness whereof they signed with me and the assisting witnesses, in the absence of a notary public.

TRINIDAD YRIGOYEN.
PABLO CONTRERAS.
FRANCISCO USARRAGA.

On the second day of the month of November, 1838, I, the citizen Trinidad Yrigoyen, justice of the peace of this presidio of Tubac, in accordance with title 33 of the special regulations of presidios, being on this side of the river in the direction of the west, on the high road from Tucson in the immediate neighborhood of the presidio, in company with the official measurers, I delivered to them a cord well twisted and stretched and a Castilian vara, with which they measured the cord to the length of twenty-five varas to the satisfaction of the interested party, José Ma. Martinez; the ends of the cord being attached to stakes, the measurement was commenced at the inclosure of Atanasio Otero, from which point there were measured and counted towards the south twenty-five cords, the line terminating at the foot of the little table land (mesita) in front of the black mesquite, which was made a landmark, and the measurement from south to north being concluded, the measurement was made from east to west seven cords, the line in this direction terminating at the foot of a hill (*loma*) where there is a house or "*galera*" (house of correction) on the side of the west; in the direction of the east, the river bank serves as a boundary, the tract measured being from north to south seven hundred varas, and from east to west one hundred and seventy-five varas; with which measurement the interested party was satisfied, it being understood that these boundaries shall serve as a notice to all persons; whereupon the said measurements were concluded, the interested party signing with me and the assisting witnesses, in the absence of a notary public, according to law.

TRINIDAD YRIGOYEN.
JOSÉ MA. MARTINEZ.
FRANCISCO USARRAGA.
PABLO CONTRERAS.

On the 7th day of the month of November, 1838, the measurements being concluded of the land petitioned for by Jose Ma. Martinez, he was notified that in order to acquire the ownership and dominion of the land in the name of the Mexican nation, perpetually and forever, and with right of inheritance to himself, his children and descendants, he shall comply with the following conditions: That if his means permit him, he shall keep arms and horses to be used with fidelity in defending the country against hostile incursions, and shall always be ready to march against the enemy when notified so to do, and also to give such military services as may be required of him on account of the scarcity of regular soldiers. He is also to have a fixed residence for himself and family at this military post for the term of four years, and during this time he cannot alienate, mortgage, or incumber, in any manner, the land above mentioned, even for pious purposes; and that within the precise time of two years, he must have the said land in cultivation, under the penalty of losing the same should he abandon the same within said time, in which case it may be given to a more industrious applicant.

The foregoing conditions being complied with, and having established his residence

and that of his family, and having continued the same for the term of four years, he shall thereby acquire the true dominion and ownership of the mentioned land; and, from that time forward, he will have power to alienate or use the same at his will, as of a thing belonging to himself, as is explained by the Recapilacion de Indies of the Mexican Republic, but with this restriction: That at no time shall he be able to sell the same to any church, monastery, ecclesiastical person or community, or convey it in mortmain as provided in the same laws, under the penalty of losing said land; and finally, within three months, counting from the present date, he shall be obliged to take possession of said land, and to plant, upon the boundaries thereof, fruit trees or others that may be of use to the settlement and which will promote the prosperity of the district, furnishing fruits, timber and fuel for domestic use, and farming utensils which are so indispensably necessary. Thus I provided, ordered and signed, with the assisting witness, in the absence of a notary public.

TRINIDAD YRIGOYEN.
PABLO CONTRERAS.
FRANCISCO USARRAGA.

At the same military post of Tubac, on the said day, month, and year, in obedience to the foregoing decree, Don José Ma. Martinez personally appeared, whereupon he was made acquainted with the contents thereof, to which he responded that he would comply with what was ordered by the señor judge; that he would comply with said order at once, asking that the corresponding testimony be given to him. Thus he answered, signing with me and the assisting witnesses with whom I act in the absence of a notary public.

TRINIDAD YRIGOYEN.
PABLO CONTRERAS.
FRANCISCO USARRAGA.

At the same place, on the same day, month, and year, I, the present judge, said that in view of the fact that the interested party was satisfied with the foregoing proceedings, let a testimony thereof be given to the interested party, Martinez, for his security. Thus I provided, ordered, and signed with the assisting witnesses with whom I act in the ordinary form according to law.

TRINIDAD YRIGOYEN.
PABLO CONTRERAS.
FRANCISCO USARRAGA.

On the same day of the month of April, 1838, there was issued to the interested party the corresponding testimony.

In witness whereof I sign with a rubrica.

The foregoing agrees with the original which remains in the archives under my charge, with which it has been compared and corrected as found on the four written folios of common paper, there being no stamped paper.

Copied at the request of the citizen José Ma. Martinez, at the military post of Tubac, on the said day of the month of November, 1838. Signing with me and the assisting witnesses with whom I act, I, the first justice of the peace of the said military post, Don Trinidad Yrigoyen, in the absence of a notary public, in the terms as required by law.

TRINIDAD YRIGOYEN.
PABLO CONTRERAS.
FRANCISCO USARRAGA.

DEED, MARTINEZ TO OTERO.

This indenture, made the 29th day of June, in the year of our Lord one thousand eight hundred and eighty, between Dario Martinez, of the town of Tubac, county of Pima, Territory of Arizona, party of the first part, and Salimo Otero, of the same place, the party of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of five dollars, lawful money of the United States of America to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released, and forever quit-claimed, and by these presents does remise, release, and forever quit-claim unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece, or parcel of land, situate, lying, and being in the said county of Pima, Territory of Arizona, and bounded and described as follows, to wit:

Commencing at the enclosure of Atenacio Otero, and running thence towards the south twenty-eight cords of fifty varas, to the foot of a mesita, in front of a "mes-

quite prieto," which was made a landmark for the boundary, and the measurement being made from north to south, the measurement was made from east to west, seven cords of fifty varas to the foot of a hill, where is situated a house or galero (granery) on the side of the west; on the east, the boundary being the river of Santa Cruz—said tract of land being situated in the neighborhood of the town of Tubac, and being the same tract of land which on the 12th day of November, 1838, was granted by Trinidad Yrigoyen, justice of the peace, of Tubac, to José Maria Martinez, and of which possession was given.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in, or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

It witness whereof, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

[SEAL.] DARIO MARTINEZ.

Signed, sealed, and delivered in presence of—
SANTIAGO ANISA.

TERRITORY OF ARIZONA,
County of Pima, ss:

On this 29th day of June, A. D. one thousand eight hundred and eighty, before me, Santiago Anisa, a notary public in and for the county of Pima, personally appeared Dario Martinez, whose name is subscribed to the aforesaid instrument as a party thereto, known to me to be the person described in and who executed the said aforesaid instrument as a party thereto, and who duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[SEAL.] SANTIAGO ANISA,
Notary Public.

TESTIMONY IN THE CASE.

JOSÉ MARIA ZOSA being called by the surveyor-general, and by him duly sworn, testified as follows, viz:

1. What is your name, age, occupation, and residence?—Answer. My name is José Maria Zosa; age, 62 years; occupation that of ranchero, and reside in Tucson.

2. Do you know a tract of land situated near the town of Tubac, Pima County, Arizona, known as Otero's rancho, and now occupied by Sabino Otero?—A. I know the said tract or rancho.

3. How long have you known said rancho, and who has had possession thereof during said time?—A. I have known this rancho for more than fifty years. To my certain knowledge the Otero family have occupied the said rancho during the past fifty years.

4. Did you know the grantee, Torrevio de Otero?—A. I did; and when he had possession of said rancho. I also knew all the descendants of the said grantee, Torrevio Otero, down to the present claimant and occupant and petitioner, Sabino Otero, who is a grandson of said original grantee.

5. Do you remember any time when said rancho was unoccupied?—A. It was unoccupied three or four years, about 1842, in consequence of the hostility of the Indians, at which time about nineteen persons were killed by the Indians.

6. Do you know anything of the occupation of a town lot in Tubac by the said Otero family?—A. Yes; and it was occupied during the same time or years as was the rancho, and by the same family.

7. Do you know anything of the presidial records of Tubac?—A. I know there were presidial archives of Tubac in the town before the Indians came and attacked the place, but I do not know whether the Indians destroyed them or not, and I cannot say whether or not they exist.

his
JOSÉ MARIA + ZOSA.
mark.

Subscribed and sworn to before me this day, March 23, 1880, as witness my hand and seal of office.

[SEAL.] JOHN WASSON,
United States Surveyor-General.

Testimony of Nasario Ortiz in the case.

Witness called by the surveyor-general and by him duly sworn.

Questions by the surveyor-general:

1. What is your name, age, occupation, and residence?—Answer. My name is Nasario Ortiz; my age is 64 years; merchant and general business, and my residence is in Tucson.

2. Do you know a tract of land situated near the town of Tubac, Pima County, Arizona, known as the Otero rancho, and now occupied by Sabino Otero?—A. I know said rancho and place, and have known it since 1835.

3. Who has had possession of said rancho during all this time?—A. During all this time, the family of Otero cultivated and possessed this rancho, and lived in Tubac. I knew the grantee, Don Torrevio Otero, when he occupied said rancho, and all his descendants down to the present claimant and occupant, Sabino Otero.

4. Do you know whether there was any abandonment of said rancho, and when, and why?—A. It was abandoned a short time in or about the year 1840, because of the hostility of the Indians.

5. Do you know whether the said rancho was ever abandoned for any other cause than that of hostility of the Indians?—A. Not to my knowledge.

6. Do you know if this same Otero family owned a lot in the town of Tubac during the said time?—A. I cannot say as to the ownership of a lot in town, but the same family lived in a house in the town and saved on the rancho.

his
NASARIO + ORTIZ.
mark.

Subscribed and sworn to before me this 23d day of March, 1880, as witness my hand and seal.

[SEAL.]

JOHN WASSON,
United States Surveyor-General.

Testimony of Santos Aguine in the case.

Witness called by the surveyor-general, and by him duly sworn.

Questions by the surveyor-general:

1. What is your name, occupation, age, and residence?—Answer. My name is Santos Aguine; my occupation is that of farmer; my age is over sixty years, and I reside in Tucson.

2. Do you know anything of a rancho near Tubac now occupied by Sabino Otero, and how long have you known it, and has anybody except the Otero family, which is descended from the original grantee, Torrevio de Otero, ever occupied or claimed possession of the said ranche?—A. I know said rancho and have known it all my life, having been raised from a small boy in Tubac. Since I have known the rancho it has ever been occupied by the Otero family, and by no one else. They living in the town or pueblo and sowing or planting on the rancho. This occupation and possession have been continous except when interrupted by the hostile Apache Indians. I knew Don Torrevio Otero very well, and all the family descended from him down to the present claimant, Sabino Otero.

his
SANTOS + AGUINE.
mark.

Subscribed and sworn to before me, this 23d day of March, 1880, as witness my hand and seal of office.

[SEAL.]

JOHN WASSON,
United States Surveyor-General.

Testimony of Sabino Otero in the case.

Witness called by the surveyor-general.

Witness being duly sworn, testified as follows to questions put by the surveyor-general:

1. What is your name, age, occupation, and residence?—Answer. My name is Sabino Otero; my age 34 years; occupation that of farmer and stock grower, and reside on my rancho near Tubac.

2. How long have you resided on and cultivated your rancho near Tubac?—A. About sixteen years.

3. Is your said rancho the same as that granted by the presidial authorities of Tubac to your grandfather, Terrevio Otero?—A. Yes, sir.

SABINO OTERO.

Subscribed and sworn to before me this 23d day of March 1880, as witness my hand and official seal.

[SEAL.]

JOHN WASSON,
United States Surveyor-General.

Testimony of Juan Elias.

JUAN ELIAS, being first duly sworn, deposed as follows to the questions propounded by the United States surveyor-general:

Question 1. What is your name, age, place of residence, and occupation?—Answer. Juan Elias; 42 years of age: reside in Tucson, and by occupation a farmer.

Q. 2. Did you personally know José Ma. Martinez, the father of Dario Martinez?—A. Yes, sir; I did.

Q. 3. How many children did the said José Ma. Martinez have?—A. Dario Martinez and no other.

Q. 4. Do you know that the said José Ma. Martinez is dead?—A. I do; he died in September, 1862.

JUAN ELIAS.

Subscribed and sworn to before me this 29th day of November, 1880, as witness my hand and official seal.

[SEAL.]

JOHN WASSON,
United States Surveyor-General.

SURVEYOR-GENERAL'S OPINION AND RECOMMENDATION IN THE CASE.

The original title papers filed by claimants in this case show:

1. That on January 10, 1789, Torevio de Otero, ancestor of present claimants, obtained from Nicholas de la Erran, commandant of the presidio of Tubac, a house lot of twenty varas frontage, and four *suertes* of sowing land, each of 400 varas square, and distant about one-eighth of a league from the presidio; also (2) that on the 7th day of April, 1838, the municipal authorities of Tubac granted José Ma. Martinez a tract of 25 by 7 cords (the cords being 25 varas each), adjoining the land granted to Torevio de Otero in 1789, and then occupied by Atanacio Otero.

All the lands described in the titles just mentioned are now claimed by the heirs of Torevio de Otero; the first, by direct descent from the original grantee; and the second, by purchase by the heirs of said Otero from the grantee Martinez, by informal conveyance in 1858, which has since been perfected by a formal deed executed June 29, 1880, by the sole surviving heir of José Ma. Martinez, to Sabino Otero, one of the heirs of Torevio de Otero, and also one of the present petitioners.

Although separate petitions are presented by claimants for the lands originally granted to Otero and Martinez, it is not regarded necessary to make separate reports, inasmuch as the lands adjoin and are now in undisputed possession of and claimed by the same parties.

The grant of 1789 to Torevio de Otero, although it does not refer thereto, was certainly made under the royal decree for the regulation of presidios to be established on the frontier line of New Spain, issued September 10, 1772, which decree declares: "That for the protection of the settlements and of commerce in the frontier countries, and that the population thereof may be increased, I order that the commandants, captains, officials, and all other persons, shall not under any pretext whatever prevent the settlement of persons of good character and habits in the immediate surroundings of presidios; and when this locality may not be sufficient to contain all the families that may desire to make settlements, that the district for such settlement shall be enlarged on one of the sides. I also order that the captains distribute house lots and lands to such settlers, under the condition that they cultivate the same, and that they keep horses, arms, and ammunition, and be ever ready to use them in defense of the country when required to do so," &c.

This decree was followed by the order of Nava in 1791, authorizing captains of presidios to grant lands to settlers within a tract of four square leagues measured from the plaza of the presidio as a center.

The title papers presented of the grant to Torevio de Otero are manifestly copies of the originals, since they are written on sealed paper of the year 1807, although not certified to be copies. The character of the hand-writing and the paper upon which they are written strongly indicate genuineness. A record of this grant doubtless once

existed in the archives of the presidio of Tubac, but these archives have long since been destroyed, as history and the testimony in this case agree in showing; therefore, aside from the title papers presented, there is no existing record of it.

In 1838 the Spanish presidio of Tubac had lost something of its military character, and under the government of Mexico had assumed that of a pueblo governed by municipal officers; hence the grant to Martinez in 1838 was made by municipal officers; however, it was given under the same conditions and restrictions as were those made by captains of presidios under the decrees of 1772 and 1791.

These grants having been made by the officers of the presidio and pueblo of Tubac, no record thereof is found in the archives of the State of Sonora, and for reasons heretofore stated, no archive evidence of them now exists; but I have not the slightest hesitancy in pronouncing the title papers genuine; and aside from the titles given to the original grantees by the Spanish and Mexican governments, their descendants, by long and undisputed possession and actual and useful occupancy, have acquired such a right as ought to be, and doubtless will be, regarded sufficient to vest in the present claimants an absolute title to this property, in part inherited from their ancestors and in part acquired by purchase. The testimony in the case shows that the heirs of the original grantee have held undisputed possession of the premises for the past fifty years, using the house lot as a place of residence and tilling the *suertes* (sowing grounds) granted for cultivation, and which were situated a short distance therefrom.

On these premises several generations of the Otero family were born and lived and died, and present petitioners continue to reside there, deriving their subsistence from the land granted to their ancestor in 1789 and from that purchased from Martinez. Their possession has been continuous down to this day. This long and useful possession, under the laws of Spain and Mexico, would give them title by prescription alone, at least to the land claimed under the grant of 1789.

The time nesessary to possess a thing in order to acquire title by prescription, under the former governments, is three years in case of personal or movable property, and in case of real estate ten years, if the owner against whom the prescription runs reside in the same province, but if he reside out of the province twenty years are necessary.

Under this law the title to the tract granted to Martinez in 1838 would vest in present claimants, for their useful and undisturbed occupation of it has far exceeded twenty years.

There is no doubt that by competent officers Spain and Mexico granted all the lands claimed by the present petitioners in this case, and therefore such lands were private property prior to the date of the Gadsden treaty. Present petitioners and their ancestors have usefully, indisputably, and uninterruptedly (save during a short time when driven off by hostile Indians) occupied the said lands from long anterior to the date of said treaty down to this day.

"A right of any validity before the cession was equally valid afterwards" (1 Wallace, p. 404).

The Otero claims are quite similar to one of an Indian in California. The claim under this Indian's title reached the United States Supreme Court, and the case is found in 1 Black, p. 267. In 1842 Governor Alvarado directed the alcalde at San Luis Obispo to distribute lands among the Indians about the mission, and one of the distributions under this direction was a parcel to an Indian named Romualdo.

The alcalde placed him in possession, and he and his assigns continuously remained in possession. July 10, 1846, Governor Pico made a grant of the same land to the same Indian. One Wilson, successor in interest, presented a claim under the Pico grant which was made after the date of the treaty of Guadalupe Hidalgo, and therefore the board of land commissioners rejected it; but as there was evidence that the original grantee and his assigns had long, continuously, and usefully occupied the premises, the United States district judge confirmed the claim, and the United States Supreme Court affirmed the confirmation. In doing so, the court say: "He (the alcalde) gave the possession to the Indian accordingly. A record was kept of the distribution of these lands in a book in his office, as well as the orders from the governor; but this book was lost, with all the archives of his office, in 1846, &c. * * * In the present instance the possession and cultivation were of considerable duration; and, according to the testimony of the alcalde, the distribution and assignment of the governor was intended to be permanent as a home to the occupant. The claim appears to be an honest one, unaccompanied with suspicion, and, under the circumstances, we think was properly confirmed."

Another somewhat analogous case is that of the United States *vs.* De Haro's heirs, found in 22 Howard, pp. 293–298. The board of land commissioners rejected the claim, but the United States district court confirmed it, and in the decision this language occurs:

"It appears that an undisturbed possession of the property claimed has been in the possession of Francisco de Haro and his heirs sixteen years, and it does not appear that any one has claimed or exercised a possession or right of possession over the premises."

On appeal to the United States Supreme Court the judgment of the lower court was was affirmed, and the opinion concludes thus:

"Upon the whole we cannot doubt, from the title papers, and especially from the sixteen years' possession which has been enjoyed by De Haro and his heirs—using the property as their own, claiming it under the grant—that the title should be confirmed; and it is hereby confirmed."

ACTION OF CONGRESS IN SUCH CASES.

Congress does not hesitate to do justice in cases of this kind. March 3, 1871, a subcommittee of the Private Land Claims Committee of the House of Representatives reported to the House on the case of Thomas Dowling's claim to Yerba Buena Island. From that report I quote:

"It is a well settled principle in equitable jurisprudence that contracts for the alienation of land, although not valid as law, may be enforced in equity when substantial justice requires it. The court will always have an eye to the substantial justice of the case. * * * * But it may be said that government cannot, like an individual, be compelled to submit to the equitable powers of the court; and this is true, but it is the highest attribute of government to do right; and this it may do when this right is perceived, through the action of Congress." (Part III, p. 1435, Senate and House reports, by their Private Land Claims Committees.)

Although the presidial records of Tubac have been destroyed, and the titles to the tracts under consideration are not shown to be strictly and technically deraigned to present claimants, yet I have no doubt of their legal right to every vara of land they claim and ask to be confirmed to them in this case. I regard their title genuine; and even without any title papers, their long, useful, and undisturbed occupation would entitle them to confirmation. Congress has already recognized the right of mere occupants of lands in the Santa Cruz Valley, in front of Tucson, to have confirmation therefor. Such occupants were not required to have title papers; they were only required to prove to the satisfaction of the register and receiver of the proper United States land office that they and their ancestors or grantors had been in the actual, *bona fide* occupancy or possession of such land "for twenty years next preceding the date of the passage of this act," which was February 5, 1875. (I Stat. at L., part 3, p. 305.)

There is even stronger reasons why Congress should confirm the lands under consideration to Otero *et al.* than in any case contemplated by the act just cited. The Oteros have genuine title papers, and have had useful occupation by themselves and ancestors of the grant of 1789 for nearly one hundred years, and of the one of 1838 for more than twice twenty years.

The boundaries can easily be ascertained, and the quantity is limited by the terms of the title papers.

RECOMMENDATION IN THE CASE.

In view of the foregoing facts, I recommend the confirmation of all the lands petitioned for in this case to Sabino Otero, Teófilo Otero, Gabriela Otero, Elena Castro, and Anna M. Cunnen.

JOHN WASSON,
United States Surveyor-General.

TUCSON, ARIZ., *March* 1, 1881.

OFFICE OF THE UNITED STATES SURVEYOR-GENERAL
FOR THE TERRITORY OF ARIZONA.

I, John Wasson, United States surveyor-general for the Territory of Arizona, hereby certify that the foregoing is a true and correct transcript of the title-papers in the case of the private land claims of which confirmation is asked by petitioners Sabino Otero, Teófilo Otero, Gabriela Otero, Elena Castro, and Anna M. Cunnen, also of the various papers and exhibits filed and testimony taken in support thereof and in connection therewith, and of the opinion and recommendation of the surveyor-general in the premises.

Given under my hand and official seal, at Tucson, this first day of March, A. D. 1881.

[SEAL.]

JOHN WASSON,
United States Surveyor-General.

C

Rec.d with Surv Gnls letter of July 7th/81.

Paid per Report. 36.163

PLAT

of preliminary survey of

a house lot and two tracts of land

near

Tubac Pima Co.

ARIZONA

Containing in all 185.70 Acres

Confirmation recommended in favor of

SABINO OTERO ET. AL.

Survey designated	By whom surv'd	Date of Contract	Am't of surveys M	Chs.	lks.	When surveyed
Exterior Lines	Geo. J. Roskruge	February 28, 81.	3.	10.	72	April 12, 1881.
Connecting "	" " "	" " "		29	02	" " "

Sabino Otero et.al. claimants to a house lot and two tracts of land near Tubac, in Pima County Arizona:

To the United States. Dr.

For cost of preliminary survey of the exterior boundaries of said house lot and two tracts of land near Tubac, Arizona, being 3.134 miles exterior boundaries at $16.00 per mile $50.14

and .363 mile, connecting line at $8.00 per mile 2.90

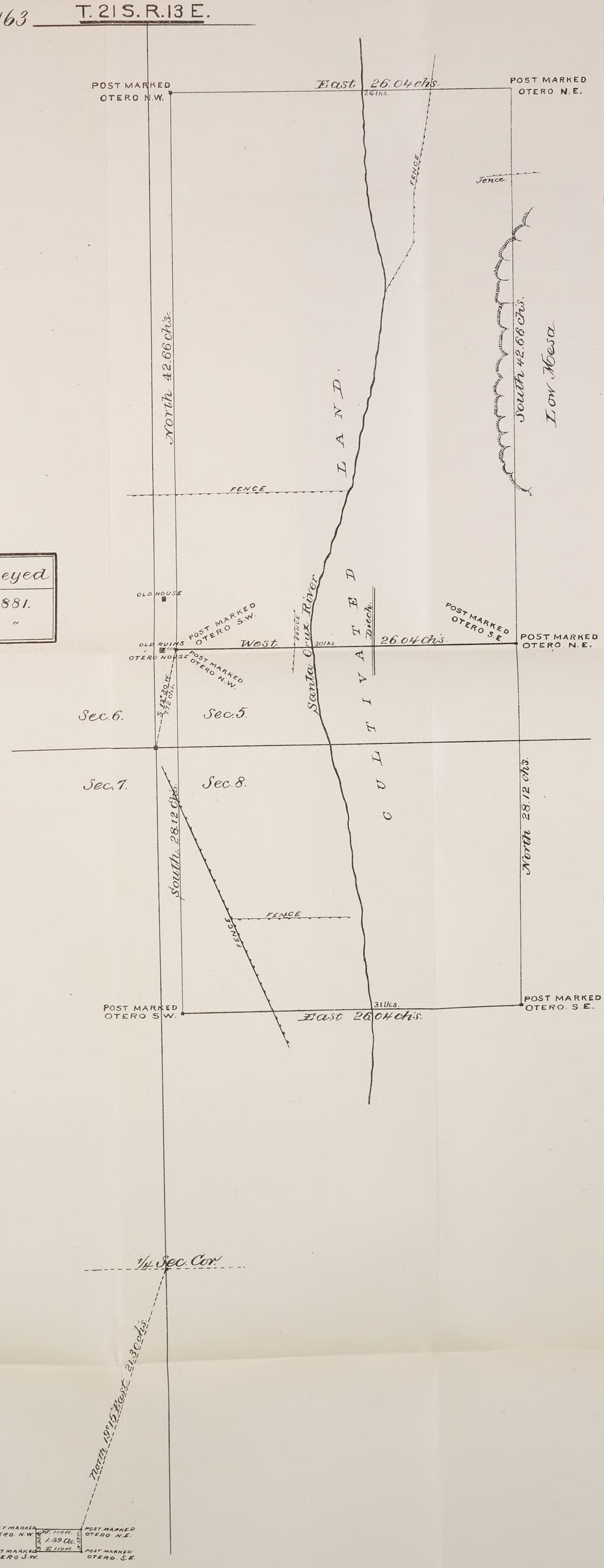
as per account in favor of U.S. Deputy Surveyor George J. Roskruge, of this date $53.04

This plat of preliminary survey of house lot and two tracts of land situated near Tubac, in Pima County Arizona; is strictly conformable to the field-notes of survey on file in this office, which have been examined and approved.

U.S. Surveyor General's Office.
Tucson, Arizona, July 7, 1881. John Wasson
U.S. Surveyor-General.

M

SEN. EX. DOC. No. 81, 1st SESS., 47th CONG.



47TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. No. 82.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A copy of a letter from the Commissioner of Internal Revenue, with accompanying statement, in response to Senate resolution of December 14, 1881, *calling for statement in relation to the sale of plantations in South Carolina.*

FEBRUARY 1, 1882.—Ordered to lie on the table and be printed.

TREASURY DEPARTMENT,
January 31, 1882.

SIR: In compliance with the resolution of the Senate of the 14th ultimo, directing the Secretary of the Treasury to forward to the Senate for its information a statement showing certain particulars in relation to the sale of farms or plantations in the State of South Carolina under the act approved June 7, 1862, entitled "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes," I have the honor to transmit herewith a copy of a letter from the Commissioner of Internal Revenue, with accompanying statement, which it is believed furnishes the required information.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

Hon. DAVID DAVIS,
President pro tempore of the Senate.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 28, 1882.

SIR: Senate resolution of December 14, 1881, directing the Secretary of the Treasury to forward to the Senate for its information a statement showing—

1st. "The number of farms or plantations, with the number of acres in each, sold in the State of South Carolina under an act entitled 'An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes,' approved June 7, 1862, to whom said farms or plantations belonged at the time of said sales, and who were the purchasers thereof at said tax sales."

2d. "The amount for which each of said farms or plantations was assessed for taxation, the amounts collected from each of the same, and the amounts at which each of said farms or plantations were bid off, and by whom."

3d. "What amount of money arising from said sales was covered into the United States Treasury over and above the amount of direct taxes laid and collected against said State under said act, and the cost and expenses of said sales, and what amount is now in said Treasury"—has been referred to this office for the information required.

I herewith inclose a tabulated statement, compiled from the books and records of this office, which show the numbers of the lots and blocks which were sold in the town of Beaufort; the names of the farms or plantations which were sold in South Carolina outside of the town of Beaufort; the number of acres in each farm or plantation which was sold; the valuation of the several lots, blocks, plantations, or farms sold; the tax, penalty, cost, and interest charged against each by the direct-tax commissioners for South Carolina; the amount for which each lot, block, farm, or plantation was sold or struck off; to whom sold or struck off; the names of the original owners, so far as they were reported to this office by the tax commissioners; and the difference between the amount charged against each by the tax commissioners, and the amount for which the same were sold or struck off.

It will be observed that more of the lots, blocks, farms, or plantations were bid in by the tax commissioners for the United States than were sold to individuals at the original sale, but the abstract or tabulated statement is made with the charges and balances carried out as if the amounts were actually paid and covered into the United States Treasury, because the government, by its proper officers, bid in and took the land in lieu of the taxes, and, after having acquired title thereto, rented, resold, and set it apart for school-farms and other public reservations.

I have, therefore, annexed a statement under the heading of "Recapitulation," which shows the amounts received from the original sales and from the sales after the United States had acquired title to the lots and farms bid in by it, as well as the amounts to be deducted on account of taxes, penalties, costs, interest, and the expenses of the board of tax commissioners.

Respectfully,

GREEN B. RAUM,
Commissioner.

Hon. CHARLES G. FOLGER,
Secretary of the Treasury.

Abstract of sales in South Carolina for non-payment of United States direct taxes and of sales of real estate after the United States acquired title thereto.

TOWN OF BEAUFORT.

Block.	Lot.	Valuation.	To whom assessed.	To whom sold or struck off.	Amount struck off at—	Tax.	Penalty.	Costs.	Interest.	Total.	Difference between amount sold for and charges.
1	.....	$500	Not given	United States	$6 67	$4 00	$2 00	$0 30	$0 37	$6 67	.....
2	.....	9,600	....do	....do	250 00	76 80	38 40	5 76	7 13	128 09	$121 91
3	.....	12,000	....do	....do	450 00	96 00	48 00	7 20	8 91	160 11	289 89
4	.....	3,000	....do	....do	50 00	24 00	12 00	1 80	2 22	40 02	9 98
5	.....	8,500	....do	....do	125 00	68 00	34 00	5 10	6 31	113 41	11 59
6	.....	2,000	....do	....do	40 00	16 00	8 00	1 20	1 49	26 69	13 31
7	.....	6,000	....do	....do	100 00	48 00	24 00	3 60	4 45	80 05	19 95
8	A	200	....do	....do	2 66	1 60	80	12	14	2 66	.....
8	B	1,000	....do	Maria Talbird, Dorcas Middleton, and Bristoe Baker.	13 34	8 00	4 00	60	74	13 34	.....
9	A	10,000	....do	United States	150 00	80 00	40 00	6 00	7 42	133 42	16 58
9	B	4,000	....do	....do	65 00	32 00	16 00	2 40	2 97	53 37	11 63
9	C	5,000	....do	....do	75 00	40 00	20 00	3 00	3 71	66 71	8 29
10	A	1,500	....do	....do	30 00	12 00	6 00	90	1 12	20 02	9 98
10	B	2,000	....do	....do	35 00	16 00	8 00	1 20	1 49	26 69	8 31
10	C	1,500	....do	....do	30 00	12 00	6 00	90	1 12	20 02	9 98
11	A	11,000	....do	....do	475 00	88 00	44 00	6 60	8 17	146 77	328 23
11	B	2,000	....do	....do	35 00	16 00	8 00	1 20	1 49	26 69	8 31
12	A	2,000	....do	....do	35 00	16 00	8 00	1 20	1 49	26 69	8 31
12	B	2,500	....do	....do	40 00	20 00	10 00	1 50	1 86	33 36	6 64
13	A	7,000	....do	....do	110 00	56 00	28 00	4 20	5 20	93 40	16 60
13	B	10,000	....do	....do	625 00	80 00	40 00	6 00	7 42	133 42	491 58
14	.....	4,000	....do	....do	65 00	32 00	16 00	2 40	2 97	53 37	11 63
17	.....	1,400	....do	....do	25 00	11 20	5 60	84	1 04	18 68	6 32
18	.....	4,000	....do	....do	65 00	32 00	16 00	2 40	2 97	53 37	11 63
19	.....	2,200	....do	....do	175 00	17 60	8 80	1 32	1 62	29 34	145 66
20	A	3,000	....do	....do	50 00	24 00	12 00	1 80	2 22	40 02	9 98
20	B	4,000	....do	....do	65 00	32 00	16 00	2 40	2 97	53 37	11 63
21	A	200	....do	William Bryan	2 66	1 60	80	12	14	2 66	.....
21	B	400	....do	United States	10 00	3 20	1 60	24	28	5 32	4 68
21	C	5,000	....do	....do	75 00	40 00	20 00	3 00	3 71	66 71	8 29
22	A	3,000	....do	....do	50 00	24 00	12 00	1 80	2 22	40 02	9 98
22	B	1,000	....do	....do	20 00	8 00	4 00	60	74	13 34	6 66
23	A	600	....do	....do	10 00	4 80	2 40	36	44	8 00	2 00
23	B	900	....do	....do	15 00	7 20	3 60	54	65	11 99	3 01
25	A	500	....do	....do	10 00	4 00	2 00	30	37	6 67	3 33
25	B	2,500	....do	....do	40 00	20 00	10 00	1 50	1 86	33 36	6 64
26	A	6,000	....do	....do	200 00	48 00	24 00	3 60	4 45	80 05	119 95
26	B	1,400	....do	....do	26 00	11 20	5 60	84	1 04	18 68	7 32

Abstract of sales in South Carolina for non-payment of United States direct taxes, &c.—Continued.

TOWN OF BEAUFORT—Continued.

Block.	Lot.	Valuation.	To whom assessed.	To whom sold or struck off.	Amount struck off at—	Tax.	Penalty.	Costs.	Interest.	Total.	Difference between amount sold for and charges.
26	C	$1,800	Not given	United States	$40 00	$14 40	$7 20	$1 08	$1 33	$24 01	$15 99
26	D	1,200	do	do	25 00	9 60	4 80	72	88	16 00	9 00
27	A	7,000	do	do	250 00	56 00	28 00	4 20	5 20	93 40	156 60
27	B	600	do	do	10 00	4 80	2 40	36	44	8 00	2 00
27	C	1,800	do	do	30 00	14 40	7 20	1 08	1 33	24 01	5 99
28	A	600	do	do	10 00	4 80	2 40	36	44	8 00	2 00
28	B	6,000	do	do	100 00	48 00	24 00	3 60	4 45	80 05	19 95
28	C	5,000	do	do	75 00	40 00	20 00	3 00	3 71	66 71	8 29
28	D	1,100	do	do	20 00	8 80	4 40	66	81	14 67	5 33
29	------	600	do	do	10 00	4 80	2 40	36	44	8 00	2 00
30	------	3,100	do	do	74 00	24 80	12 40	1 86	2 30	41 36	33 64
31	------	5,000	do	do	125 00	40 00	20 00	3 00	3 71	66 71	58 29
33	A	2,000	do	do	35 00	16 00	8 00	1 20	1 49	26 69	8 31
33	C	1,500	do	do	25 00	12 00	6 00	90	1 12	20 02	4 98
34	B	1,000	do	do	20 00	8 00	4 00	60	74	13 34	6 66
34	C	600	do	do	10 00	4 80	2 40	36	44	8 00	2 00
35	A	50	do	Jacob Robinson	63	40	20	01	02	63	----------
35	B	1,000	do	United States	20 00	8 00	4 00	60	74	13 34	6 66
35	C	700	do	do	15 00	5 60	2 80	42	52	9 34	5 66
35	D	700	do	do	15 00	5 60	2 80	42	52	9 34	5 66
36	A	2,500	do	do	40 00	20 00	10 00	1 50	1 86	33 36	6 64
36	B	1,500	do	do	25 00	12 00	6 00	90	1 12	20 02	4 98
36	C	400	do	do	8 00	3 20	1 60	24	28	5 32	2 68
36	E	400	do	do	8 00	3 20	1 60	24	28	5 32	2 68
37	A	2,500	do	do	60 00	20 00	10 00	1 50	1 86	33 36	26 64
37	B	500	do	do	10 00	4 00	2 00	30	37	6 67	3 33
37	C	200	do	do	5 00	1 60	80	12	14	2 66	2 34
37	D	800	do	do	15 00	6 40	3 20	48	59	10 67	4 33
37	E	600	do	do	10 00	4 80	2 40	36	44	8 00	2 00
38	A	1,000	do	do	20 00	8 00	4 00	60	74	13 34	6 66
38	B	6,000	do	do	150 00	48 00	24 00	3 60	4 45	80 05	69 95
38	C	8,000	do	do	750 00	64 00	32 00	4 80	5 94	106 74	643 26
38	D	9,700	do	do	975 00	77 60	38 80	5 80	7 17	129 37	845 63
39	A	300	do	do	5 00	2 40	1 20	18	21	3 99	1 01
39	B	500	do	do	10 00	4 00	2 00	30	37	6 67	3 33
39	C	500	do	do	10 00	4 00	2 00	30	37	6 67	3 33
40	------	2,500	do	do	45 00	20 00	10 00	1 50	1 86	33 36	11 64
41	A	1,800	do	do	30 00	14 40	7 20	1 08	1 33	24 01	5 99
41	B	800	do	do	15 00	6 40	3 20	48	59	10 67	4 33

42	------	10,000	------do	------do	200 00	80 00	40 00	6 00	7 42	133 42	66 58
43	------	100	------do	------do	5 00	80	40	06	08	1 34	3 66
44	B	2,000	------do	------do	35 00	16 00	8 00	1 20	1 49	26 69	8 31
44	C	1,200	------do	------do	20 00	9 60	4 80	72	88	16 00	4 00
45	------	2,400	------do	------do	40 00	19 20	9 60	1 44	1 76	32 00	8 00
46	A	400	------do	------do	8 00	3 20	1 60	24	28	5 32	2 68
46	B	1,500	------do	------do	25 00	12 00	6 00	90	1 12	20 02	4 98
46	C	300	------do	------do	5 00	2 40	1 20	18	21	3 99	1 01
46	D	1,000	------do	------do	20 00	8 00	4 00	60	74	13 34	6 66
47	A	1,000	------do	------do	20 00	8 00	4 00	60	74	13 34	6 66
47	B	1,000	------do	------do	20 00	8 00	4 00	60	74	13 34	6 66
48	A	1,000	------do	------do	130 00	8 00	4 00	60	74	13 34	116 66
48	B	800	------do	------do	15 00	6 40	3 20	48	59	10 67	4 33
48	C	3,500	------do	------do	300 00	28 00	14 00	2 10	2 60	46 70	253 30
49	A	800	------do	------do	70 00	6 40	3 20	48	59	10 67	59 33
49	B	2,500	------do	------do	100 00	20 00	10 00	1 50	1 86	33 36	66 64
49	C	300	------do	------do	100 00	2 40	1 20	18	21	3 99	96 01
49	D	5,800	------do	------do	90 00	46 40	23 20	3 48	4 33	77 41	12 59
49	E	4,000	------do	------do	60 00	32 00	16 00	2 40	2 98	53 38	6 62
49	F	3,000	------do	------do	80 00	24 00	12 00	1 80	2 22	40 02	39 98
49	G	2,000	------do	------do	50 00	16 00	8 00	1 20	1 49	26 69	23 31
50	A	6,000	------do	------do	175 00	48 00	24 00	3 60	4 45	80 05	94 95
50	B	2,000	------do	------do	35 00	16 00	8 00	1 20	1 49	26 69	8 31
50	C	1,000	------do	------do	20 00	8 00	4 00	60	74	13 34	6 66
50	D	2,000	------do	------do	35 00	16 00	8 00	1 20	1 49	26 69	8 31
50	F	1,500	------do	------do	25 00	12 00	6 00	90	1 12	20 02	4 98
51	------	100	------do	------do	2 00	80	40	06	08	1 34	66
52	------	100	------do	------do	2 00	80	40	06	08	1 34	66
53	A	5,500	------do	------do	90 00	44 00	22 00	3 30	4 09	73 39	16 61
53	B	4,000	------do	------do	65 00	32 00	16 00	2 40	2 98	53 38	11 62
54	------	100	------do	------do	2 00	80	40	06	08	1 34	66
55	A	1,900	------do	------do	35 00	15 20	7 60	1 14	1 42	25 36	9 64
55	C	400	------do	------do	8 00	3 20	1 60	24	28	5 32	2 68
56	A	6,000	------do	------do	100 00	48 00	24 00	3 60	4 45	80 05	19 95
56	B	500	------do	------do	10 00	4 00	2 00	30	37	6 67	3 33
57	A	650	------do	------do	10 00	5 20	2 60	39	49	8 68	1 32
57	C	400	------do	------do	8 00	3 20	1 60	24	28	5 32	2 68
57	D	700	------do	------do	15 00	5 60	2 80	42	52	9 34	5 66
58	A	800	------do	------do	110 00	6 40	3 20	48	59	10 67	99 33
58	B	200	------do	------do	5 00	1 60	80	12	14	2 66	2 34
58	C	600	------do	------do	12 00	4 80	2 40	36	44	8 00	4 00
58	D	700	------do	------do	15 00	5 60	2 80	42	52	9 34	5 66
58	E	1,000	------do	------do	20 00	8 00	4 00	60	74	13 34	6 66
58	F	1,000	------do	------do	20 00	80 0	4 00	60	74	13 34	6 66
59	B	500	------do	------do	10 00	4 00	2 00	30	37	6 67	3 33
59	D	3,500	------do	------do	60 00	28 00	14 00	2 10	2 60	46 70	13 30
59	E	1,200	------do	------do	20 00	9 60	4 80	72	88	16 00	4 00
59	F	200	------do	------do	5 00	1 60	80	12	14	2 66	2 34
59	G	1,000	------do	------do	20 00	8 00	4 00	60	74	13 34	6 66
59	H	900	------do	------do	15 00	7 20	3 60	54	65	11 99	3 01
60	A	500	------do	------do	10 00	4 00	2 00	30	37	6 67	3 33
60	B	3,500	------do	------do	60 00	28 00	14 00	2 10	2 60	46 70	13 30

Abstract of sales in South Carolina for non-payment of United States direct taxes, &c.—Continued.

TOWN OF BEAUFORT—Continued.

Block.	Lot.	Valuation.	To whom assessed.	To whom sold or struck off.	Amount struck off at—	Tax.	Penalty.	Costs.	Interest.	Total.	Difference between amount sold for and charges.
60	C	$7,500	Not given	United States	$400 00	$60 00	$30 00	$4 50	$5 57	$100 07	$299 93
60	D	3,500	do	do	60 00	28 00	14 00	2 10	2 60	46 70	13 30
60	E	1,500	do	do	375 00	12 00	6 00	90	1 12	20 02	354 98
61	A	3,000	do	do	50 00	24 00	12 00	1 80	2 22	40 02	9 98
61	B	3,000	do	do	100 00	24 00	12 00	1 80	2 22	40 02	59 98
61	D	1,000	do	do	20 00	8 00	4 00	60	74	13 34	6 66
61	E	7,000	do	do	125 00	56 00	28 00	4 20	5 20	93 40	31 60
61	F	1,000	do	do	20 00	8 00	4 00	60	74	13 34	6 66
62	.....	100	do	do	15 00	80	40	06	08	1 34	13 66
63	.....	100	do	do	2 00	80	40	06	08	1 34	66
64	.....	100	do	do	2 00	80	40	06	08	1 34	66
65	.....	100	do	do	2 00	80	40	06	08	1 34	66
66	A	4,000	do	do	65 00	32 00	16 00	2 40	2 98	53 38	11 62
66	B	200	do	do	5 00	1 60	80	12	14	2 66	2 34
66	C	4,000	do	do	65 00	32 00	16 00	2 40	2 98	53 38	11 62
67	B	700	do	do	15 00	5 60	2 80	42	52	9 34	5 66
67	C	800	do	do	15 00	6 40	3 20	48	59	10 67	4 33
68	A	1,500	do	do	25 00	12 00	6 00	90	1 12	20 02	4 98
68	B	600	do	do	12 00	4 80	2 40	36	44	8 00	4 00
68	C	400	do	do	8 00	3 20	1 60	24	28	5 32	2 68
68	D	500	do	do	10 00	4 00	2 00	30	37	6 67	3 33
69	A	200	do	Jane Turner	2 66	1 60	80	12	14	2 66	.....
69	B	200	do	United States	5 00	1 60	80	12	14	2 66	2 34
69	C	1,200	do	do	20 00	9 60	4 80	72	88	16 00	4 00
69	D	1,000	do	do	20 00	8 00	4 00	60	74	13 34	6 66
69	E	6,000	do	do	100 00	48 00	24 00	3 60	4 45	80 05	19 95
69	G	1,500	do	do	35 00	12 00	6 00	90	1 12	20 02	14 98
70	E	5,025	do	do	80 00	40 20	20 10	3 01	3 73	67 04	12 96
70	F	4,000	do	do	65 00	32 00	16 00	2 40	2 98	53 38	11 62
70	G	4,000	do	do	65 00	32 00	16 00	2 40	2 98	53 38	11 62
71	A	5,000	do	do	70 00	40 00	20 00	3 00	3 71	66 71	3 29
71	B	3,000	do	do	50 00	24 00	12 00	1 80	2 22	40 02	9 98
71	C	1,300	do	do	25 00	10 40	5 20	78	98	17 36	7 64
71	D	1,500	do	do	25 00	12 00	6 00	90	1 12	20 02	4 98
72	A	1,000	do	do	70 00	8 00	4 00	60	74	13 34	56 66
72	B	1,000	do	do	210 00	8 00	4 00	60	74	13 34	196 66
72	C	1,000	do	do	120 00	8 00	4 00	60	74	13 34	106 66
72	D	3,000	do	do	50 00	24 00	12 00	1 80	2 22	40 02	9 98
72	E	2,000	do	do	200 00	16 00	8 00	1 20	1 49	26 69	173 31

72	F	400	do	do	8 00	3 20	1 60	24	28	5 32	2 68		
73		100	do	do	2 00	80	40	06	08	1 34	66		
74		100	do	do	2 00	80	40	06	08	1 34	66		
75		100	do	do	2 00	80	40	06	08	1 34	66		
76	A	100	do	do	2 00	80	40	06	08	1 34	66		
76	B	800	do	do	15 00	6 40	3 20	48	59	10 67	4 33		
77	B	100	do	do	2 00	80	40	6	08	1 34	66		
80	A	2,000	do	do	35 00	16 00	8 00	1 20	1 49	26 69	8 31		
80	B	4,000	do	do	65 00	32 00	16 00	2 40	2 98	53 38	11 62		
81	A	2,500	do	do	400 00	20 00	10 00	1 50	1 86	33 36	366 64		
81	B	9,600	do	do	150 00	76 80	38 40	5 76	7 13	128 09	21 91		
81	C	8,000	do	do	125 00	64 00	32 00	4 80	5 94	106 74	18 26		
81	D	4,500	do	do	525 00	36 00	18 00	2 70	3 34	60 04	464 96		
83		100	do	do	2 00	80	40	06	08	1 34	66		
84		100	do	do	1 50	80	40	06	08	1 34	16		
85		100	do	do	1 50	80	40	06	08	1 34	16		
86		100	do	do	1 50	80	40	06	08	1 34	16		
87	A	100	do	do	2 00	80	40	06	08	1 34	66		
87	B	1,600	do	do	30 00	12 80	6 40	96	1 19	21 35	8 65		
88	A	2,000	do	do	35 00	16 00	8 00	1 20	1 49	26 69	8 31		
88	B	100	do	do	2 00	80	40	06	08	1 34	66		
90	B	4,000	do	do	65 00	32 00	16 00	2 40	2 98	53 38	11 62		
90	C	8,000	do	do	1,500 00	64 00	32 00	4 80	5 94	106 74	1,393 26		
91		10,000	do	do	1,100 00	80 00	40 00	6 00	7 42	133 42	966 58		
92		100	do	do	2 00	80	40	06	08	1 34	66		
93		100	do	do	2 00	80	40	06	08	1 34	66		
94		50	do	do	7 00	40	20	03	04	67	6 33		
95		25	do	do	50	20	10	02	03	35	15		
96		100	do	do	2 00	80	40	06	08	1 34	66		
97		2,600	do	do	45 00	20 80	10 40	1 56	1 93	34 69	10 31		
98	A	600	do	do	45 00	4 80	2 40	36	44	8 00	37 00		
98	B	100	do	do	2 00	80	40	06	08	1 34	66		
99	A	7,050	do	do	520 00	56 40	28 20	4 23	5 24	94 07	425 93		
99	B	6,000	do	do	120 00	48 00	24 00	3 60	4 45	80 05	39 95		
99	C	9,000	do	do	150 00	72 00	36 00	5 40	6 68	120 08	29 92		
100		100	do	do	2 00	80	40	06	08	1 34	66		
101		100	do	do	2 00	80	40	06	08	1 34	66		
102		100	do	do	2 00	80	40	06	08	1 34	66		
103		100	do	do	2 00	80	40	06	08	1 34	66		
104		100	do	do	2 00	80	40	06	08	1 34	66		
105		2,600	do	do	45 00	20 80	10 40	1 56	1 93	34 69	10 31		
106		100	do	do	25 00	80	40	06	08	1 34	23 66		
107	A	2,500	do	do	45 00	20 00	10 00	1 50	1 86	33 36	11 64		
107	B	3,000	do	do	50 00	24 00	12 00	1 80	2 22	40 02	9 98		
108		100	do	do	2 00	80	40	06	08	1 34	66		
109		100	do	do	2 00	80	40	06	08	1 34	66		
110		100	do	do	2 00	80	40	06	08	1 34	66		
111		100	do	do	2 00	80	40	06	08	1 34	66		
112		100	do	do	2 00	80	40	06	08	1 34	66		
113		100	do	do	2 00	80	40	06	08	1 34	66		
114		100	do	do	2 00	80	40	06	08	1 34	66		
115	A	8,000	do	do	250 00	64 00	32 00	4 80	5 94	106 74	143 26		

Abstract of sales in South Carolina for non-payment of United States direct taxes, &c.—Continued.

TOWN OF BEAUFORT—Continued.

Block.	Lot.	Valuation.	To whom assessed.	To whom sold or struck off.	Amount struck off at—	Tax.	Penalty.	Costs.	Interest.	Total.	Difference between amount sold for and charges.
115	B	$5,000	Not given	United States	$80 00	$40 00	$20 00	$3 00	$3 71	$66 71	$13 29
115	C	1,000	do	do	20 00	8 00	4 00	60	74	13 34	6 66
116		100	do	do	2 00	80	40	06	08	1 34	66
117		100	do	do	2 00	80	40	06	08	1 34	66
118		100	do	do	2 00	80	40	06	08	1 34	66
119		100	do	do	2 00	80	40	06	08	1 34	66
120		100	do	do	2 00	80	40	06	08	1 34	66
121		100	do	do	25 00	80	40	06	08	1 34	23 66
122		100	do	do	30 00	80	40	06	08	1 34	28 66
123	A	4,500	do	do	75 00	36 00	18 00	2 70	3 34	60 04	14 96
123	B	4,500	do	do	75 00	36 00	18 00	2 70	3 34	60 04	14 96
126		100	do	do	25 00	80	40	06	08	1 34	23 66
127		100	do	do	2 00	80	40	06	08	1 34	66
128		100	do	do	2 00	80	40	06	08	1 34	66
129		100	do	do	2 00	80	40	06	05	1 34	66
130		100	do	do	3 00	80	40	06	08	1 34	1 66
133		100	do	do	3 00	80	40	06	08	1 34	1 66
134		100	do	do	3 00	80	40	06	08	1 34	1 66
135		100	do	do	2 00	80	40	06	08	1 34	66
136		100	do	do	2 00	80	40	06	08	1 34	66
137		100	do	do	2 00	80	40	06	08	1 34	66

Abstract of sales in South Carolina for non-payment of United States direct taxes, &c.—Continued.

SAINT HELENA PARISH, OUTSIDE OF THE TOWN OF BEAUFORT.

Name of farm or plantation.	Acres.	Valuation.	To whom assessed.	To whom sold.	Amount sold for.	Tax.	Penalty.	Costs.	Interest.	Total.	Difference between amount sold for and amount charged.
The Oaks	500	$2,000 00	Not given	United States	$80 00	$40 00	$20 00	$3 00	$3 71	$66 71	$13 29
The Robert Fuller Place	500	2,000 00	do	Edward S. Philbrick	500 00	40 00	20 00	3 00	3 71	66 71	433 29
Comer Farm	300	1,200 00	do	do	300 00	24 00	12 00	1 80	2 22	40 02	259 98
Oakland	100	400 00	do	United States	15 00	8 00	4 00	60	74	13 84	1 66
Polanana	100	400 00	do	Edward S. Philbrick	100 00	8 00	4 00	60	74	13 34	86 66
Indian Hill	400	1,600 00	do	United States	225 00	32 00	16 00	2 40	2 98	53 38	171 62
Jenkins Neck	147	588 00	do	Edward S. Philbrick	155 00	11 76	5 88	88	1 10	19 62	135 38
The Croft Place	150	600 00	do	Mrs. Jane A. McCrea	150 00	12 00	6 00	90	1 12	20 02	129 98
Eddings Point	694	2,776 00	do	United States	100 00	55 52	27 76	4 16	5 14	92 58	7 42
The Marion Chaplin Place	303	1,212 00	do	do	50 00	24 24	12 12	1 81	2 23	40 40	9 60
Thomas James Fripp Place	614	2,456 00	do	do	110 00	49 12	24 56	3 68	4 58	81 94	28 06
Village Farm	200	800 00	do	N. S. English	100 00	16 00	8 00	1 20	1 49	26 69	73 31
Saint Helenaville Co. Pine Land.	90	360 00	do	United States	50 00	7 20	3 60	54	68	12 02	37 98
Saint Helenaville	60	240 00	do	do	160 00	4 80	2 40	36	44	8 00	152 00
The Daniel Pope Place	448	1,792 00	do	do	120 00	35 84	17 92	2 68	3 34	59 78	60 22
The John Fripp Big House	990	3,960 00	do	Edward S. Philbrick	1,000 00	79 20	39 60	5 94	7 35	132 09	867 91
Cedar Grove	205	820 00	do	United States	210 00	16 40	8 20	1 33	1 54	27 47	182 53
The Hamilton Fripp Place	200	800 00	do	do	30 00	16 00	8 00	1 20	1 49	26 69	3 31
Fripp Point Place	750	3,000 00	do	Edward S. Philbrick	750 00	60 00	30 00	4 50	5 57	100 07	649 93
Pine Grove	750	3,000 00	do	do	870 00	60 00	30 00	4 50	5 57	100 07	769 93
Coffin Point Place	1,438	5,752 00	do	do	1,150 00	115 04	57 52	8 62	10 67	191 85	958 15
The McTurrens Lands	531	2,124 00	do	United States	75 00	42 48	21 24	3 18	3 96	70 86	4 14
Cherry Hill	300	1,200 00	do	Edward S. Philbrick	380 00	24 00	12 00	1 80	2 22	40 02	339 98
Mulberry Hill	500	2,000 00	do	do	500 00	40 00	20 00	3 00	3 71	66 71	433 29
Hope Place	572	2,288 00	do	United States	80 00	45 76	22 88	3 43	4 26	76 33	3 67
Woodstock	610	2,440 00	do	do	90 00	48 80	24 40	3 66	4 53	81 39	8 61
Frogmore	1,060	4,240 00	do	do	170 00	84 80	42 40	6 36	7 85	141 41	28 59
Sea Side	944	3,776 00	do	do	850 00	75 52	37 76	3 66	7 00	123 94	726 06
The Ann Fripp Place	260	1,040 00	do	do	150 00	20 80	10 40	1 56	1 92	34 68	115 32
The Henry McTurren Place	199	796 00	do	Benj. B. Goodman	35 00	15 92	7 96	1 19	1 48	26 55	8 45
The Frank Pritchard Place	230	920 00	do	United States	50 00	18 40	9 20	1 38	1 72	30 70	19 30
Samford	600	2,400 00	do	F. W. Lawrence	600 00	48 00	24 00	3 60	4 45	80 05	519 95
The Jane Pritchard Place	160	640 00	do	United States	50 00	12 80	6 40	96	1 17	21 33	28 67
The Dr. Jenkins Place	615	2,460 00	do	F. W. Lawrence	1,025 00	49 20	24 60	3 69	4 58	82 07	942 93
The Paul Chaplin Place	608	2,432 00	do	George A. Chaplin	605 00	48 64	24 32	3 64	4 52	81 12	523 88
The Thomas B. Chaplin Place	376	1,504 00	do	United States	100 00	30 08	15 04	2 25	2 78	50 15	49 85

Abstract of sales in South Carolina for non-payment of United States direct taxes, &c.—Continued.

SAINT HELENA PARISH, OUTSIDE OF THE TOWN OF BEAUFORT—Continued.

Name of farm or plantation.	Acres.	Valuation.	To whom assessed.	To whom sold.	Amount sold for.	Tax.	Penalty.	Costs.	Interest.	Total.	Difference between amount sold for and amount charged.
Land's End	434	$1,736 00	Not given	United States	$200 00	$34 72	$17 36	$2 60	$3 22	$57 90	$142 10
The Ben Chaplin Place	165	660 00	do	do	125 00	13 20	6 60	99	1 22	22 01	102 99
The Grove	257	1,028 00	do	do	40 00	20 56	10 28	1 54	1 90	34 28	5 72
The Baker Place	328	1,312 00	do	do	50 00	26 24	13 12	1 96	2 42	43 74	6 26
Riverside	326	1,304 00	do	N. S. English	345 00	26 08	13 04	1 95	2 41	43 48	301 52
Bermuda	320	1,280 00	do	do	400 00	25 60	12 80	1 92	2 35	42 67	357 33
Lonesome Hill	150	600 00	do	Chauncey G. Robbins.	210 00	12 00	6 00	90	1 12	20 02	189 98
The Isaac Fripp Place	300	1,200 00	do	Edwin D. Golyer	500 00	24 00	12 00	1 80	2 22	40 02	459 98
The Scott Place	570	2,280 00	do	United States	200 00	45 60	22 80	3 42	4 23	76 05	123 95
Littlewood Point	250	1,000 00	do	do	300 00	20 00	10 00	1 50	1 86	33 36	266 64
The Edward Capers Place	266	1,064 00	do	Chauncey G. Robbins.	265 00	21 28	10 64	1 59	1 98	35 49	229 51
The Gabriel Capers Place	267	1,068 00	do	United States	180 00	21 36	10 68	1 60	1 98	35 62	144 38
The Oliver Fripp Place	232	928 00	do	do	300 00	18 56	9 28	1 39	1 73	30 96	269 04
The Lawrence Fripp Place	221	884 00	do	do	150 00	17 68	8 84	1 32	1 63	29 47	120 53
The Pritchard Place	232	928 00	do	do	160 00	18 56	9 28	1 39	1 73	30 96	129 04
Orange Grove	225	900 00	do	Edward Harwood	225 00	18 00	9 00	1 35	1 67	30 02	194 98
The Perry Place	299	1,196 00	do	United States	200 00	23 92	11 96	1 79	2 22	39 89	160 11
The Wallace Place	475	1,900 00	do	do	300 00	38 00	19 00	2 85	3 53	63 38	236 62
Fenton Place	80	320 00	do	do	100 00	6 40	3 20	48	60	10 68	89 32
Parsonage	121	484 00	do	Cornelia M. Ely	150 00	9 68	4 84	72	90	16 14	133 86
Wassau Island	400	1,600 00	do	United States	350 00	32 00	16 00	2 40	2 98	53 38	296 62
Dathaw Inlet	650	2,600 00	do	do	450 00	52 00	26 00	3 90	4 83	86 73	363 27
Dathaw Point	650	2,600 00	do	do	200 00	52 00	26 00	3 90	4 83	86 73	113 27
Coosaw	800	3,200 00	do	do	150 00	64 00	32 00	4 80	5 94	106 74	43 26
Corn Island	873	3,492 00	do	do	150 00	69 84	34 92	5 23	6 49	116 48	33 52
Morgan Island	255	1,020 00	do	Edward S. Philbrick	255 00	20 40	10 20	1 53	1 90	34 03	220 97
Harbor Island	400	80 00	do	United States	10 00	1 60	80	12	14	2 66	7 34
Hunting Island	4,000	800 00	do	do	2,000 00	16 00	8 00	1 20	1 49	26 69	1,972 31
Fripp's Island	1,000	200 00	do	do	10 00	4 00	2 00	30	37	6 67	3 33
Pritchard's Island	1,941	388 20	do	Edward Pritchard	21 00	7 76$\frac{20}{20}$	3 88$\frac{10}{20}$	58	74	12 97	8 03
Capers' Island	1,000	200 00	do	United States	10 00	4 00	2 00	30	37	6 67	3 33
Philips' Island	5,000	1,000 00	do	do	40 00	20 00	10 00	1 50	1 86	33 36	6 64
Pine Island	95	380 00	do	do	30 00	7 60	3 80	57	73	12 70	17 30
Palmetto Island	393	1,572 00	do	do	400 00	31 44	15 72	2 35	2 91	52 42	347 58
Orange Grove	304	1,216 00	do	do	300 00	24 32	12 16	1 82	2 26	40 56	259 44
The Hazel Farm	500	2,000 00	do	do	400 00	40 00	20 00	3 00	3 71	66 71	333 29
The Inlet	313	1,252 00	do	Edward W. Hooper	305 00	25 04	12 52	1 87	2 34	41 77	263 23

Distant Island	133	532 00	do	R. G. Gardner	245 00	10 64	5 32	79	99	17 74	227 26
Whitehall	300	1,200 00	do	United States	325 00	24 00	12 00	1 80	2 22	40 02	284 98
Fairfield	242	968 00	do	Henry G. Ely	185 00	19 36	9 68	1 45	1 79	32 28	152 72
Bluff Farm	260	1,040 00	do	United States	525 00	20 80	10 40	1 56	1 92	34 68	490 32
Bythewood Pine Land	360	1,440 00	do	do	60 00	28 80	14 40	2 16	2 67	48 03	11 97
The Wigg Place	410	1,640 00	do	do	175 00	32 80	16 40	2 46	3 04	54 70	120 30
The Joe Johnson Place	250	1,000 00	do	do	110 00	20 00	10 00	1 50	1 86	33 36	76 64
The James Chaplin and the Saxby Chaplin Place.	160	640 00	do	do	110 00	12 80	6 40	96	1 17	21 33	88 67
The Porter Place	200	800 00	do	do	125 00	16 00	8 00	1 20	1 49	26 69	98 31
Woodlawn	401	1,604 00	do	do	225 00	32 08	16 04	2 40	2 98	53 50	171 50
Pleasant Point	459	1,836 00	do	do	450 00	36 72	18 36	2 75	3 40	61 23	388 77
Fairlawn	220	880 00	do	do	210 00	17 60	8 80	1 32	1 64	29 36	180 64
Brickyard	570	2,280 00	do	do	350 00	45 60	22 80	3 42	4 24	76 06	273 94
The John Johnson Place	460	1,840 00	do	do	75 00	36 80	18 40	2 76	3 41	61 37	13 63
Saint Quentan	530	2,120 00	do	Joseph S. Reed	505 00	42 40	21 20	3 18	3 96	70 74	434 26
The Edward Cuthbert Place	450	1,800 00	do	do	445 00	36 00	18 00	2 70	3 34	60 04	384 96
Springfield	600	2,400 00	do	United States	100 00	48 00	24 00	3 60	4 45	80 05	19 95
The Pine Land Place	250	1,000 00	do	do	50 00	20 00	10 00	1 50	1 86	33 36	16 64
Laurel Hill	236	944 00	do	do	50 00	18 88	9 44	1 41	1 75	31 48	18 52
Laurel Bay	160	640 00	do	do	30 00	12 80	6 40	96	1 17	21 33	8 67
Lucy Point	196	784 00	do	do	70 00	15 68	7 84	1 17	1 45	26 14	43 86
Bolus Point	180	720 00	do	do	40 00	14 40	7 20	1 08	1 36	24 04	15 96
The Williams Place	163	652 00	do	do	30 00	13 04	6 52	97	1 20	21 73	8 27
Oakland	400	1,600 00	do	Kit Green	400 00	32 00	16 00	2 40	2 98	53 38	346 62
Ashdale	400	1,600 00	do	United States	260 00	32 00	16 00	2 40	2 98	53 38	206 62
The Capers Place	500	2,000 00	do	do	100 00	40 00	20 00	3 00	3 71	66 71	33 29
The Sams Pine Land	200	800 00	do	do	40 00	16 00	8 00	1 20	1 49	26 69	13 31
The Jenkins Pine Land	100	400 00	do	do	20 00	8 00	4 00	60	74	13 34	6 66
The Hermitage	300	1,200 00	do	do	400 00	24 00	12 00	1 80	2 22	40 02	359 98
The Fuller Hermitage	300	1,200 00	do	E. G. Dudley	405 00	24 00	12 00	1 80	2 22	40 02	364 98
The Cottage	250	1,000 00	do	United States	510 00	20 00	10 00	1 50	1 86	33 26	476 64
The Farm	250	1,000 00	do	do	100 00	20 00	10 00	1 50	1 86	33 36	66 64
Cedar Grove	350	1,400 00	do	Mrs. Jane A. McCrea	655 00	28 00	14 00	2 10	2 60	46 70	608 30
The Old Fort	700	2,800 00	do	United States	1,000 00	56 00	28 00	4 20	5 20	93 40	906 60
The Battery	500	2,000 00	do	S. W. Bennett	820 00	40 00	20 00	3 00	3 71	66 71	753 29
The Thompson Place	75	300 00	do	United States	125 00	6 00	3 00	45	55	10 00	115 00
Pigeon Point	80	320 00	do	do	140 00	6 40	3 20	48	59	10 67	129 33
Polly's Grove	64	256 00	do	do	75 00	5 12	2 56	38	48	8 54	66 46
The Bell Place	95	380 00	do	do	190 00	7 60	3 80	57	71	12 68	177 32
The Campbell Place	148	592 00	do	do	200 00	11 84	5 92	88	1 10	19 74	180 26
The Barnwell Place	37	148 00	do	Jonathan M. Andrus	110 00	2 96	1 48	22	27	4 93	105 07
Woodland	75	300 00	do	United States	100 00	6 00	3 00	45	55	10 00	90 00
The Henry Stuart Place	120	480 00	do	do	200 00	9 60	4 80	72	89	16 01	183 99
Club House	417	1,668 00	do	K. & A. W. Hall	415 00	33 36	16 68	2 50	3 09	55 63	359 37
Button Hill	428	1,712 00	do	A. P. Rockwell	465 00	34 24	17 12	2 56	3 18	57 10	407 90
The Swamp Place	500	2,000 00	do	United States	80 00	40 00	20 00	3 00	3 71	66 71	13 29
The Baker Cherry Hill	150	600 00	do	F. Spaulding	150 00	12 00	6 00	90	1 12	20 02	129 98
The Pine Land Tract	1,000	4,000 00	do	United States	200 00	80 00	40 00	6 00	7 42	133 42	66 58
Half-Way House	500	2,000 00	do	do	425 00	40 00	20 00	3 00	3 71	66 71	358 29
Gray Hill	440	1,760 00	do	do	75 00	35 20	17 60	2 64	3 28	58 72	16 28
Spring Hill	400	1,600 00	do	do	225 00	32 00	16 00	2 40	2 98	53 38	171 62

Abstract of sales in South Carolina for non-payment of United States direct taxes, &c.—Continued.

SAINT HELENA PARISH, OUTSIDE OF THE TOWN OF BEAUFORT—Continued.

Name of farm or plantation.	Acres.	Valuation.	To whom assessed.	To whom sold.	Amount sold for.	Tax.	Penalty.	Costs.	Interest.	Total.	Difference between amount sold for and amount charged.
Magnolia	430	$1,720 00	Not given	United States	$100 00	$34 40	$17 20	$2 58	$3 20	$57 38	$42 62
The Middleton Stuart Place	660	2,640 00	do	do	100 00	52 80	26 40	3 96	4 89	88 05	11 95
Otahietee	600	2,400 00	do	do	100 00	48 00	24 00	3 60	4 45	80 05	19 95
The William Perryclear Place	616	2,464 00	do	do	125 00	49 28	24 64	3 69	4 58	82 19	42 81
Orangeburg	150	600 00	do	do	130 00	12 00	6 00	90	1 12	20 02	109 98
Pankie Island and Talbird Place.	130	520 00	do	S. W. Bennett	75 00	10 40	5 20	78	98	17 36	57 64
The Ann Perryclear Place and Jack Island Place.	415	1,660 00	do	United States	400 00	33 20	16 60	2 49	3 08	55 37	344 63
Oak Mulligan	700	2,800 00	do	do	250 00	56 00	28 00	4 20	5 20	93 40	156 60
Red House	510	2,040 00	do	do	220 00	40 80	20 40	3 06	3 78	68 04	151 96
Edgerly	800	3,200 00	do	Solomon Peck	710 00	64 00	32 00	4 80	5 94	106 74	603 26
The John F. Chaplin Place	550	2,200 00	do	United States	550 00	44 00	22 00	3 30	4 09	73 39	476 61
Oakland	500	2,000 00	do	do	80 00	40 00	20 00	3 00	3 71	66 71	13 29
The Henry Fuller Place	140	560 00	do	Henry G. Ely	250 00	11 20	5 60	84	1 04	18 68	231 32
The Pickpocket Tract	290	1.160 00	do	H. G. Judd	200 00	23 20	11 60	1 74	2 16	38 70	161 30
Salem	400	1,600 00	do	J. C. Mayo and F. Spaulding.	300 00	32 00	16 00	2 40	2 98	53 38	246 62
The Lloyd Field	240	960 00	do	United States	75 00	19 20	9 60	1 44	1 78	32 02	42 98
Murkle Bush	450	1,800 00	do	do	250 00	36 00	18 00	2 70	3 34	60 04	189 96
The Retreat	600	2,400 00	do	do	500 00	48 00	24 00	3 60	4 45	80 05	419 95
The Street	510	2,040 00	do	G. C. Fox	240 00	40 80	20 40	3 06	3 78	68 04	171 96
The Ellis Cherry Hill	671	2,684 00	do	United States	175 00	53 68	26 84	4 02	5 02	89 56	85 44
Little Baynard	180	720 00	do	do	200 00	14 40	7 20	1 08	1 36	24 04	175 96
Jericho	185	740 00	do	do	210 00	14 80	7 40	1 11	1 38	24 69	185 31
The Oswald Place	173	692 00	do	do	175 00	13 84	6 92	1 03	1 30	23 09	151 91
Shell Point	330	1,320 00	do	John and Augustus E. Conant.	305 00	26 40	13 20	1 98	2 46	44 04	260 96
The Tom Baynard Place	750	3,000 00	do	United States	475 00	60 00	30 00	4 50	5 57	100 07	374 93
The Ellis Place	66	264 00	do	do	150 00	5 28	2 64	39	48	8 79	141 21
The Sarah Ellis Place	200	800 00	do	R. K. Carleton	330 00	16 00	8 00	1 20	1 49	26 69	303 31
The Robert Ellis Place	80	320 00	do	John C. Graham	145 00	6 40	3 20	48	60	10 68	134 32
The Rhett Place	1,647	6,588 00	do	United States	300 00	131 76	65 88	9 88	12 25	219 77	80 23
The Campbell Pine Land	120	480 00	do	do	25 00	9 60	4 80	72	88	16 00	9 00
The Habersham Place	750	3,000 00	do	do	300 00	60 00	30 00	4 50	5 57	100 07	199 93
Prospect Hill	1,022	4,088 00	do	do	300 00	81 76	40 88	6 13	7 61	136 38	163 62
Grove Hill	560	2,240 00	do	do	160 00	44 80	22 40	3 36	4 14	74 70	85 30
Burlington	400	1,600 00	do	do	1,600 00	32 00	16 00	2 40	2 98	53 38	106 62

Laurel Bay	800	3,200 00	....do	....do	650 00	64 00	32 00	4 80	5 94	106 74	543 26
Woodward	800	3,200 00	....do	....do	350 00	64 00	32 00	4 80	5 94	106 74	243 26
The Capers Place	225	900 00	....do	Shepard D. Gilbert	200 00	18 00	9 00	1 35	1 67	30 02	169 98
Little Island and Cedar Grove Place.	300	1,200 00	....do	E. B. Sawtell and J. R. Dannett.	195 00	24 00	12 00	1 80	2 22	40 02	154 98
Old House	489	1,956 00	....do	Shepard D. Gilbert	265 00	39 12	19 56	2 93	3 64	65 25	199 75
Rice Park	1,160	4,640 00	....do	United States	200 00	92 80	46 40	6 96	8 60	154 76	45 24
The Fuller Place	1,200	4,800 00	....do	....do	200 00	96 00	48 00	7 20	8 91	160 11	39 89
The Elliott Place, No. 1	695	2,780 00	....do	....do	125 00	55 60	27 80	4 17	5 16	92 73	32 27
The Elliott Place, No. 2	304	1,216 00	....do	....do	60 00	24 32	12 16	1 82	2 25	40 55	19 45
The Elliott Place, No. 3	400	1,600 00	....do	....do	75 00	32 00	16 00	2 40	2 98	53 38	21 62
The Means Place	754	3,016 00	....do	....do	140 00	60 32	30 16	4 52	5 59	100 59	39 41

SAINT LUKE'S PARISH, SOUTH CAROLINA.

The Point, including Bob Island.	1,000	$4,000 00	William Elliott, jr	United States	$1,050 00	$80 00	$40 00	$18 00	$17 00	$155 00	$895 00
Pine Lands	1,000	4,000 00	Owner unknown	....do	700 00	80 00	40 00	18 00	17 00	155 00	545 00
Fish Hall	1,300	5,200 00	General Drayton	....do	3,000 00	104 00	52 00	23 40	22 10	201 50	2,798 50
Coggins Point and Springfield	900	3,600 00	William Pope, sr	....do	600 00	72 00	36 00	16 20	15 30	139 50	460 50
Grass Lawn	600	2,400 00	Richard Pope	....do	350 00	48 00	24 00	10 80	10 20	93 00	257 00
Matthews Land, or No. 4	400	1,600 00	Frank Pope	....do	325 00	32 00	16 00	7 20	6 80	62 00	263 00
Cherry Hill	400	1,600 00	Mrs. M. B. Pope	....do	425 00	32 00	16 00	7 20	6 80	62 00	363 00
Marshland and Chaplin	1,000	4,000 00	James Wells	....do	500 00	80 00	40 00	18 00	17 00	155 00	345 00
Gardner	1,000	4,000 00	A. B. Stoney	Benjamin F. Skinner	1,075 00	80 00	40 00	18 00	17 00	155 00	920 00
Lemington	1,100	4,400 00	Joseph Pope, sr	Freeman Dod	1,700 00	88 00	44 00	19 80	18 70	170 50	1,529 50
Hill Place	1,100	4,400 00	Mrs. Samuel G. Lawton	United States	1,100 00	88 00	44 00	19 80	18 70	170 50	929 50
Brickyard	1,100	4,400 00	F. W. Ficklin	John E. White	725 00	88 00	44 00	19 80	18 70	170 50	554 50
Possum Point	1,000	4,000 00	James Wells	United States	1,000 00	80 00	40 00	18 00	17 00	155 00	845 00
Point Comfort	1,000	4,000 00	William Pope, sr	....do	1,000 00	80 00	40 00	18 00	17 00	155 00	845 00
Lawton Place	1,800	7,200 00	Mrs. Samuel G. Lawton	....do	3,000 00	144 00	72 00	32 40	30 60	279 00	2,721 00
Braddock's Point	1,000	4,000 00	William E. Baynard's estate.	....do	1,000 00	80 00	40 00	18 00	17 00	155 00	845 00
Spanish Wells	600	2,400 00	....do	....do	900 00	48 00	24 00	10 80	10 20	93 00	807 00
Muddy Creek Place	700	2,800 00	....do	Richard M. Bell	700 00	56 00	28 00	12 60	11 90	108 50	591 50
Otter Hole	900	3,600 00	Capt. M. Stuart	Low Alford, John S. Littell, and John Caldwell.	1,025 00	72 00	36 00	16 20	15 30	139 50	885 50
Honey Horn	1,000	4,000 00	W. J. Graham	Freeman Dod	2,600 00	80 00	40 00	18 00	17 00	155 00	2,445 00
Jenkins Island, including Hog Island.	300	1,200 00	Frank Pope	United States	1,500 00	24 00	12 00	5 40	5 10	46 50	1,453 50
Fairfield	350	1,400 00	Mrs. S. B. Stoney	....do	900 00	28 00	14 00	6 30	5 95	54 25	845 75
Cotton Hope	400	1,600 00	William Pope, sr	....do	1,000 00	32 00	16 00	7 20	6 80	62 00	938 00
Seabrook	1,500	6,000 00	Seabrook	....do	3,200 00	120 00	60 00	27 00	25 50	232 50	2,967 50
Pinckney Island	2,000	8,000 00	Miss H. Pinckney	....do	2,100 00	160 00	80 00	36 00	34 00	310 00	1,790 00
Dawfuskie Island:											
The Hague Point Place	1,100	4,400 00	William Pope, sr., or Stoddard.	....do	170 81	88 00	44 00	14 25	24 56	170 81	.....
The Webb Plantation	300	1,200 00	"Webb"	....do	46 58	24 00	12 00	3 88	6 70	46 58	.....
The Dunn Plantation	700	2,800 00	Webb and Stoddard	....do	250 00	56 00	28 00	9 07	15 62	108 69	141 31

Abstract of sales in South Carolina for non-payment of United States direct taxes, &c.—Continued.

SAINT LUKE'S PARISH, SOUTH CAROLINA—Continued.

Name of farm or plantation.	Acres.	Valuation.	To whom assessed.	To whom sold.	Amount sold for.	Tax.	Penalty.	Costs.	Interest.	Total.	Difference between amount sold for and amount charged.
Bull's Island:											
The Col. Seabrook Plantation No. 1.	700	$2,800 00	Col. E. N. Seabrook...	Benjamin F. Wade, Simon Cameron, James R. Doolittle.	$2,700 00	$56 00	$28 00	$9 07	$15 62	$108 69	$2,591 31
The Baynard Plantation..	600	2,400 00	Estate of W. E. Baynard.	United States.....	93 17	48 00	24 00	7 77	13 40	93 17	.....
The Col. Seabrook Plantation No. 2.	200	1,600 00	Col. E. N. Seabrook...	.....do	550 00	32 00	16 00	5 76	8 93	62 69	487 31
Pine Island	80	320 00	J. B. Chaplin.....	.....do	200 00	6 40	3 20	1 03	1 78	12 41	187 59
Page Island	30	120 00	Unknown.....	.....do	110 00	2 40	1 20	38	67	4 65	105 35
Savage Island	70	280 00	Crowell.....	G. W. Atwood and J. G. Dodge.	250 00	5 60	2 80	90	1 56	10 86	239 14
Barataria Island.....	150	600 00	Unknown.....	United States.....	23 29	12 00	6 00	1 94	3 35	23 29	.....
Spring Island	2,450	9,800 00	Estate of George B. Edwards.	.....do	10,500 00	196 00	98 00	31 72	54 71	380 43	10,119 57
Daw Island.....	100	400 00	Stephen Elliott, jr	David H. Rice	300 00	8 00	4 00	1 28	2 23	15 51	284 49
Lemon Island	100	400 00	Dr. M. M. Sams.....	.....do	475 00	8 00	4 00	1 28	2 23	15 51	459 49
Rose Island	100	400 00	Estate George B. Edwards.	.....do	452 00	8 00	4 00	1 28	2 23	15 51	436 49
Total.....	.....	905,842 20	.....	.....	108,494 47	11,911 04	5,955 52	1,220 87	1,432 81	20,520 05	87,974 42

Abstract of sales in South Carolina for non-payment of United States direct taxes, &c.—Cont'd.

RECAPITULATION.

Proceeds from sales to individuals, as shown by the abstract of sales-book	$30,932 29		
Deduct amount for which the Col. Seabrook Plantation No. 1 was struck off (not paid for)	2,700 00		
Actual proceeds from sales to individuals	28,232 29		
Tax, penalty, costs, and interest on lands sold to individuals		$3,424 18	
Amount received on sales to individuals at the original tax sales in excess of taxes, penalties, costs, and interest			$24,808 11
After the United States acquired title to the lands stricken off to it, as shown by the abstract, sales were made of certain portions of said real estate, and amounts received, as follows:			
From Army and Navy sales	144,460 76		
From head of family sales	33,375 46		
Proceeds for school-fund under the President's instructions of September 16, 1863	26,797 12		
Proceeds for school-fund under the President's instructions of July 16, 1866	56,515 35		
Proceeds from sales to loyal citizens	41,768 00		
Proceeds from sales made under the act of June 8, 1872	12,761 17		
Tax, penalty, costs, and interest on the lands which were bid in by the commissioners for the United States		16,987 18	
Amount received from sales of real estate after the United States acquired title to it in excess of the taxes, &c., charged against the lands which were bid in for the United States			298,690 68
Total amount received from the original sales to individuals and from sales after the United States acquired title to the lands sold	343,910 15		
Total tax, penalty, costs, and interest on the lands which were sold to individuals and on lands which were bid in, not including the tax on the Col. Seabrook Plantation No. 1		20,411 36	
Total proceeds from all sales in excess of the taxes, penalties, costs, and interest charged on all the lands sold to individuals and bid in			323,498 79
The expenses of the board of commissioners are estimated at			150,000 00
Which, deducted from the surplus proceeds from sales, leaves a balance of			173,498 79

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47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 83.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

In compliance with Senate resolution of January 16, 1882, *the report of the Commissioner of Internal Revenue, with copies of papers containing charges complaints, and reports concerning irregularities in the collection of internal revenue in the sixth district of North Carolina.*

FEBRUARY 2, 1882.—Referred to the Committee on Finance and ordered to be printed.

TREASURY DEPARTMENT,
February 1, 1882.

SIR: I have the honor to acknowledge the receipt of Senate resolution of January 16, 1882, which is in the following words:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate copies of all charges, complaints, reports, or other information concerning irregularities in the collection of internal revenue in the sixth collection district of North Carolina which may be on file in any of the offices of his department; and also copies of any orders by the collector thereof forbidding the arresting of or taking out of process of arrest against offenders against the revenue laws of the United States in said district.

In reply I transmit herewith the report of the Commissioner of Internal Revenue upon the subject, accompanied with copies of papers containing charges, complaints, and reports, and other information now on file in this department, concerning irregularities in the collection of internal revenue in the sixth district of North Carolina.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

HON. DAVID DAVIS,
President pro tempore of the Senate.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 30, 1882.

SIR: I have the honor to return Senate resolution relative to certain charges, complaints, and reports concerning the collection of internal revenue in the sixth district of North Carolina, with such information on the subject as is contained in this office.

I transmit herewith copies of affidavits made by J. R. Davis, I. T.

McIntosh, W. C. Morrison, P. F. Somers, and J. N. Summers, marked Exhibits A, B, C, D, and E.

I have to inform you that before the passage of the Senate resolution Collector Mott was called upon to reply to the charges contained in the affidavits above referred to. He has filed his answers thereto, copies of which are transmitted, marked Exhibits F, G, H, I, K, and L.

I also inclose a copy of Collector Mott's instructions to his deputies, in regard to making complaints as the basis for the issuing of warrants, together with copies of my letter directing the revocation of said order and the collector's reply thereto, marked, respectively, M, N, and O.

A list of subordinate officers dismissed on charges in the sixth district of North Carolina during Collector Mott's administration is inclosed herewith, marked Exhibit P. The original papers containing the charges are on file in this department subject to inspection.

These papers, with the exhibits herein inclosed, comprise all the information on file in this office relative to irregularities in the collection of the revenue in the sixth district of North Carolina.

It is proper to state, however, that the reports of examining officers on the office and district are not included. These reports do not contain charges. They are the criticisms of the agents on the current work of the office and district, and their suggestions for the improvement of the service.

In the year 1877 vigorous measures were adopted to suppress illicit distilling and the illicit manufacture of tobacco in the sixth district of North Carolina. There were then in that district 48 registered grain distilleries operated under government supervision.

During that year, in the western district of North Carolina, prosecutions for violations of the internal revenue laws were instituted to the number of 113 cases, 64 of which were for illicit distilling, and 49 for other violations. In the following year, 1878, there were 630 prosecutions, 490 of which were for illicit distilling, and 140 for other violations of the internal revenue laws. In 1879 the number of cases was 789; 433 for illicit distilling, and 356 other violations. In 1880, 197 cases were instituted, 125 of which were for illicit distilling and 72 for other violations. In 1881 there were 234 prosecutions, 121 for illicit distilling and 113 for other violations.

During this whole period 1,107 distilleries and 6 tobacco factories were seized. At present the tobacco blockading business has practically ceased.

In proportion as illicit distilling has been suppressed, regular government distilleries have been established, until now the number of registered distilleries has increased from 48 to 359. This satisfactory result has been brought about in the face of every obstacle that could be thrown in the way by the illicit distiller and the tobacco blockader, and the people sympathizing with them in their efforts to defraud the government.

Public sentiment, however, has changed remarkably within the last three years, and to-day the officers of the government have the almost unanimous support of the district in enforcing the laws.

The system of inspections and examinations has brought the office up to the highest standard, and the improvement in the condition of the district is equally gratifying.

The resolution fixes no time from which the report should commence in regard to irregularities. Its terms leave a doubt whether it was intended to apply to every officer connected with the service, or simply to the collector and his office force, and whether the charges referred to are

charges that have been passed upon and disposed of, or charges or complaints that are pending.

For the purpose of giving full information upon the subject I have concluded to go back to 1877, when the operations against illicit distillers were systematized.

Matters concerning certain contributions made by officers of the district for the purpose of facilitating the transaction of business have been investigated and passed upon. The amounts contributed for this purpose were about four hundred dollars, and have been fully accounted for. As the result of the investigation into this matter, an additional allowance was made for office expenses, and the collector was informed that the practice of receiving contributions for such a purpose was regarded with disfavor by this office, and it has accordingly been discontinued. The papers in connection with this subject are quite voluminous, but copies will be furnished if desired.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

EXHIBIT A.

Affidavit of J. R. Davis.

UNITED STATES OF AMERICA,
West. Dist. of N. C.:

J. R. Davis, a U. S. S. & G. for J. J. Mott, collr. int. rev., 6th dist. of N. C., being by me, A. D. Cowles, D. C. U. S. courts for said dist., duly sworn, deposes and says that from Oct., 1878, to April, 1879, he was on duty as S. & G. at the distillery of T. M. Cooper, in said district. That he promised and agreed and did pay T. M. Cooper, the distiller, $15 per mo. for board. After said deponent was transferred to J. E. Calvert's distillery, said Cooper wrote several letters asking for, and stating a balance of, a/c. Deponent protested against paying anything else, as he owed said Cooper no money, with the exception of a few dollars, not more than $5 store a/c. This additional account was made and stated for $15 per month more than he, the deponent, had agreed to and paid said Cooper, or $30. Deponent refused to pay $15 extra per mo. during the 9 mos. he was on duty; and received from the said Cooper a letter stating that he would in the instance of non-payment file said a/c with the collector, with whom he is on very intimate terms, being himself a very prominent politician and citizen. Deponent, fearing that official force would compel him to pay amount and incur Collr. Mott's displeasure, sent Mr. Cooper at several times different amounts of money in part payment of this account, and finally an a/c was filed in office of Collr. Mott for $45 by said Cooper as a claim for balance, which said amount was demanded of the said J. R. Davis, deponent, by Chief Clerk W. J. Coite, and paid under a protest and explanation of exorbitant charge by said Cooper. While deponent was on duty at the distillery of J. E. Calvert he agreed and paid $10 per mo. for board. After he was transferred from said J. E. Calvert's distillery, said Calvert made out & account for $10 per mo. more, amounting to $130.00, which said a/c was filed in Collr. J. J. Mott's office, and under deponent's protest was paid by money retained by order of Collr. Mott from moneys due deponent for services rendered as S. & G. Deponent had a conversation with Collr. Mott about the matter before payment, and denied then, as he does now, that he owed J. E. Calvert any money whatever. Notwithstanding, the said Collr. Mott ordered the money to be retained, and it was retained to deponent's great loss. Deponent makes this affidavit freely and of his own accord.

J. R. DAVIS.

Subscribed to and sworn before me this 26 day of Nov., A. D. 1881.
[L. S.] A. D. COWLES, *D. C.*

EXHIBIT B.

Affidavit of J. T. McIntosh.

STATESVILLE, N. C.,
Oct. 11, 1881.

WESTERN DIST. N. C. JUDICIAL,
6th Int. Rev. Dist.:

J. T. McIntosh, U. S. gauger and storekeeper, resident of Taylorsville, Alexander Co., in said dist., deposes and says that on or about the month of March, 1881, he received a letter from J. J. Mott, collector of int. revenue of the 6th dist. N. C., containing a check due him, the said J. T. McIntosh, U. S. gauger and st'k'r aforesaid, for services rendered as such at the distillery of Little & Bro. for the month of February, A. D. 1881, of said county, district aforesaid, of the value of ninety-eight $\frac{00}{100}$ dolls. ($98.00), which said check and amount thereof was already due deponent for actual services rendered. The said collector of int. rev., J. J. Mott, however instructed him to indorse the said check and remit to him at Washington, D. C., care of Ebbitt House, as he was behind on campaign fund of 1881, and had to settle at that time on or about the month of March, 1881, with parties to whom he was indebted for advances. Deponent says further that he answered the said J. J. Mott, collector as aforesaid, that he supposed the campaign debt had been arranged in full, and at that time he did not feel able to contribute the amount asked for; but, if the fund had not been arranged, that he was willing to contribute whatever amount was right. At this time the deponent says the said J. J. Mott, collector as aforesaid, was due him, the said J. T. McIntosh, U. S. st'k'r and g'r, one hundred and four $\frac{00}{100}$ dollars for services rendered as such officer at the distillery of Price & Bro., of Alexander Co., in said district, for the month of June, A. D. 1880, just nine months previous.

Knowing that the appropriations for the fiscal year A. D. 1880 expired on June the 30th of said year, I presumed the cause of non-remittance was due to the complete expenditure of said appropriation of said year, and that I had to wait for a deficiency bill to be passed by Congress for several months (probably 3 or 4). He did communicate with said office on the subject of said check, on or about the —— of ——, A. D. 1881. He, the said deponent, J. T. McIntosh, wrote a letter to W. J. Coite, chief clerk of J. J. Mott, collector aforesaid, asking for a check to be remitted for services rendered as U. S. st'k'r and g'r for the month of June, A. D. 1880, aforesaid. On June 27, 1881, —— —— the deponent received net amount one hundred and four $\frac{00}{100}$ dolls. by registered letter in currency. The deponent knows of his personal knowledge that when a voucher on 107½ is filled and officer is to be paid, a check is made out payable at the Raleigh Nat'l Bank at Raleigh, N. C. The deponent knows that it is the usual custom in said office to pay said officers always by check on said bank, and is confident that said amount was made payable to him in said manner; that he never indorsed any such check, and if the check is produced now on file in said Raleigh Nat'l Bank he will swear that the signature is not his, and that he did not authorize or give a power of attorney to any person whatsoever to endorse said check.

J. T. MCINTOSH.

Subscribed to and sworn before me this 11 day of Oct., A. D. 1881.
[L. S.]
A. D. COWLES, *D. C.*
U. S. Court, West. Dist. of N. Carolina.

EXHIBIT C.

Affidavit of W. C. Morrison.

STATE OF N. CAROLINA,
Co. of Iredell:

W. C. Morrison, a S. & G. for J. J. Mott, collector int. rev. 6th dist. of N. C., being duly sworn, deposes and says, that the said collector was due him as S. & G. for services rendered during the mo. of July, A. D. 1880, $108.00. That Dep. Coll'r. A. B. Gillespie came to him with a blank check asking him, the said W. C. Morrison, to endorse said check, as the collector wanted some money for campaign fund; he accordingly did as requested, and a few weeks afterwards received a letter from Washington stating that Mr. Jewell had received $25.00 from him, the said Morrison. Deponent says he never sent any money to said Jewell, and only contributed one check of $108.00. The collector evidently retained $83.00 of this check.

Deponent swears he paid at several times 1 % of his salary for incidental expenses of collector's office.

W. C. MORRISON.

Subscribed to and sworn before me this 25th day of Oct., A. D., 1881.
A. D. COWLES, *D. C.*

EXHIBIT D.

Affidavit of P. F. Somers.

STATE OF N. CAROLINA,
West District:

Personally came before me, P. F. Somers, U. S. S. and gauger of the 6th dist. of N. Carolina, who, being duly sworn, deposes and says, that there was an account for services rendered as above officer for J. J. Mott, collector int. revenue of said dist., and State aforesaid, for the month of January, A. D. 1880, amounting to $56.00, which said amount was by him demanded and never paid. That there was an account filed in J. J. Mott's office for services rendered as S. and G. for said J. J. Mott in said dist. amounting to $44.00 for the month of February, A. D. 1880, and an account similar for the month of March, 1880, amounting to $72.00, neither of which have ever been paid to this deponent. On making demand of cashier in said Mott's office, he told deponent that the collector had the checks. Deponent says that there was also $3.50 of his April, 1880, pay reserved by said J. J. Mott, collector, for what purpose he is equally unable to say. That the collector of int. rev. was due him for services rendered in the month of May, 1880, $46.80, and that he has never received one cent of the foregoing amounts. Deponent positively swears that he owed said J. J. Mott no money, nor did he ever instruct him to appropriate the checks for above amounts of money due him to said deponent. Deponent swears, however, that he was asked by said collector to contribute some funds to campaign fund of 1880, and that he consented to give the value of a month's services, and did, in obedience to demand and promise, give the salary of the month of June, 1880, to said collector for said purpose, amounting to $104.00. The deponent believes the said J. J. Mott appropriated to his own private use the other specified amounts, contrary to law and to deponent's great loss.

P. F. SOMERS.

Subscribed and sworn to before me this 13th day of Oct., A. D 1881.
[L. S.] A. D. COWLES, *D. C.*

EXHIBIT E.

Affidavit of I. N. Summers.

UNITED STATES OF AMERICA,
Western Dist. of N. C., Statesville, N. C.:

Personally came I. N. Summers, a U. S. storekeeper & gauger of the 6th dist. of N. C., who, being duly sworn, deposes & says that he was a U. S. S. & gr. in March, 1880; that during that month he performed services 27 days at J. Bowles' distillery, and was to receive according to the rate of compensation fixed by the Hon. Commissioner of Int. Rev. $4 per day, amounting to $108, payable by the collector of int. rev., J. J. Mott, collector of the dist. aforesaid. Deponent, after filing account for above services with said collector on or about the 5th of April, 1880, made demand on J. J. Mott, collector as aforesaid, for payment; said collector refused payment, stating that one A. B. Gillespie, a deputy collector of int. revenue for said collector of said district, had his, the said J. J. Mott, collector's check payable to the deponent for said amount. Soon, then, after the deponent met the said deputy collector, A. B. Gillespie, and, acting on information given him by the collector, demanded of him, the said A. B. Gillespie, the said check for the amount for services rendered as above stated. The deputy collector denied the allegation of J. J. Mott, collector, that he had it, asserting that he had nothing to do with his (deponent's) check. Whereupon the deponent soon thereafter made another demand on J. J. Mott, collector, for said check, who told deponent that the election was coming on and he would have to call on the boys to help him a little. Deponent was surprised, after his declaring that his deputy had the check, that he would demand it for this purpose, but was willing if the money would be applied, and it was the general rule of storekeepers & gaugers to contribute over one-twelfth of their year's salary for such purpose; that he would give too. Deponent was not then asked to endorse said check, but on or about the 5th day of July, 1880, three months after the usual time of payment of such officers, the same deputy collector, A. B. Gillespie, approached said deponent with a blank check asking him to endorse his name thereon for services for the month of March, A. D. 1880, as aforesaid. Deponent did so, when Gillespie placed it in his pocket, remarking to deponent, "Summers, don't say nothing about this at all; let it all go; if anybody gets anything we will be the men." Deponent swears that he contributed one per cent. of his salary for months to defray, as he was informed in demand of collector, office expenses; in all he should

say $35.00. Deponent understood that there was a letter sent from the commissioner's office to storekeepers and gaugers making inquiry of them as to the fact and the amount contributed. Deponent received a letter from H. X. Dwire, a deputy collector in said J. J. Mott's office at Statesville, telling him that if he should receive such letter from Hon. G. B. Raum, commissioner, to answer him, the said commissioner, to the effect that he had paid only about three or four dollars for said office expenses. Deponent never received a letter of such purport from the hon. commissioner. The deponent makes this deposition of his own accord and believes that all or a great part thereof of the above amounts were applied to said collector, J. J. Mott, private use.

I. N. SUMMERS, *S. & G.*

Subscribed and sworn to before me this the 19th day of October, A. D. 1881.

A. D. COWLES, *D. C.*

EXHIBIT F.

Reply to affidavit of J. R. Davis.

UNITED STATES INTERNAL REVENUE
COLLECTOR'S OFFICE, 6TH DIST., N. C.,
Statesville, Jan'y 16, 1882.

Hon. G. B. RAUM,
Comm'r of Int. Revenue, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of a copy of an affidavit made November 26, 1881, by J. R. Davis, U. S. storekeeper and gauger, in this dist., in the matter of his pay.

In reply, I respectfully state that an examination of the facts show that the said J. R. Davis was on duty at the distillery operated by Mr. T. N. Cooper; and, while there, Davis boarded with Mr. Cooper, who subsequently filed a complaint that Davis had not paid his board.

It has always been my policy to have all subordinates pay any and all bills contracted by them, while in the line of official duty, believing that a contrary policy would in many instances bring scandal on the public service; but I do not recall having said anything to Davis on this subject. He is mistaken in his allegation that I brought to bear upon him any official influence to force him to pay, other than the general rule in such matters above referred to.

Davis says: "* * * Fearing that official force would compel him to pay amount and incur Coll'r Mott's displeasure, sent Mr. Cooper, at several times, different amounts of money in part payment of this account, and finding an a/c was filed in office of Coll'r Mott for $45.00 by said Cooper, * * * which said amount was demanded * * * and paid under protest * * *." To this I reply, that so far as is shown by the records of this office, the only order paid to Mr. T. N. Cooper on a/c of J. R. Davis, is one for $25.00, as inclosed herewith, and marked D. I would further add (here), that if Davis was not justly indebted to Cooper, what cause would he have to fear any "*official force*" from any one; and why, if the claim was illegal, did he voluntarily (on his part) send to Cooper, "at several times, different amounts of money in part payment" of the said claim. In this matter Mr. Davis' statement is untrue, and I am satisfied that the amount paid by him, "at several times," was only the *just* amount due to Mr. Cooper for board, at the rate of $15.00 per month, the payment of which Davis had been endeavoring to avoid.

In that portion of his affidavit which refers to the Colvert debt, I am pleased that I am able to support my statements with accompanying papers that have been on file in my office.

I inclose exhibit marked A, which will be seen to be an account as rendered by Colvert to J. R. Davis for board, accompanied by the note of J. R. Davis for the amount ($130.50), dated April 19, 1880.

Also a letter, marked B, dated July, 12, 1880, wheren Davis makes admission of his indebtedness. It will be seen that he endeavors to evade payment of a portion of his note by presenting an itemized bill to Colvert. You will perceive that every item in his bill bears date *previous to April* 19, 1880.

Also a letter, marked C, from Colvert to Davis, dated May 24, 1880, stating a/c, &c. on which settlement had been made on compromise, and note for the said amount ($130.50) given, showing that Davis had *already* obtained credit for his items claimed in his letter dated July 12, 1880.

I also append an affidavit of George H. Brown, deputy collector and cashier in my office, showing that as late as March 21, 1881, J. R. Davis, without "official force"

made acknowledgment of his debt to Colvert, and paid thereon $44.34, leaving only $5.00 due for future settlement.

Very respectfully,

JNO. J. MOTT,
Collector.

NOTE: Since writing the above, T. N. Cooper has handed me a letter receieve by him from J. R. Davis, which I herewith append. It will be seen that Davis admits he was mistaken, and that he had requested that it be not used.

J. J. M.

STATESVILLE, *Jan.* 17, 1882.

Hon. T. N. COOPER:

DEAR SIR: I gave to Mr. A. D. Cowles, dept. U. S. clerk, an affidavit in favor of Mr. H. C. Cowles for collector in the 6th dist., but afterward I found that I was mistaken in some of my figures as to charges and requested him not to use it at all against you, & if it has come on you will please inform your friends of my desire not to use it, as it is incorrect.

Very respectfully, yours, &c.,

J. ROWAN DAVIS,
U. S. Stkr. & Gaug.

A.

J. R. Davis Dr. to R. S. Colvert.

To 14½ months bording, 9 dollars per month, $130, 50 cents, less than half you offered for the last 5½ months as wanted the bill of bording. I think you cannot complain of it, &c. Ps. I hope to here from you in a few days, as I am needing money to pay for stamps; are about out both whiskey and money. As I have waited with you a long time I hope you will settle up in a few days with me, or at the office, and will oblige your fr'end, &c.

R. S. COLVERT.

$130.50.

One day after date I promised to pay R. S. Colvert the some of one hundred and thirty $\frac{50}{100}$ dollars for value received at the leagle rate of inturust. Givin under my hand and seal this 19th day April, 1880.

J. R. DAVIS. [SEAL.]

Rec'd July 17, 1880, eighty-five dollars on the within note. Credit Mch. 21st, 1881, $44.34.

Paid dep'y on Feby. lest 1881 for Jun. 1880	$18 72	
License stamps	20 83	
		39 55
Cash to J. E. C		4 79
		$44 34

B.

CANA, DAVIS COUNTY, *July* 12, 1880.

DEAR SIR: Yours received, and in reply will say that I am perfectly willing that you and the Doctor settle my private business, but will only say that I demand a voice in the matter. This note that R. S. Colvert holds on me would have been settled before now had that gentleman received and given me credit on the within note for $40.51½ that I taken the money from my pocket and paid out for his benefit; but he has refused to accept this as part payment, and I refused to pay any part until this account, together with the $5 in cash paid February 22, 1880, be credited on the note. Of course he will go to the Doctor and tell his tale, together with a pack of lies, and cause that gentleman to believe that I am trying to dodge payment; but such, I assure you, is not the case, and I am perfectly willing, and have been all the time, to pay the note, provided my account was accepted, but not before, and I will say that if you pay the note you will first deduct from the note $45.51½, and pay to him the balance, with interest from date. Otherwise, if you pay the full amount, leaving out my claim, I shall hold you responsible. I want the matter settled, and I am anxious, especially with such a man as Colvert, for you know him as well as I do, and I deem an explanation useless. I would write the Doctor concerning the matter, but I have no idea that he would give me any credit at all for my explanation concerning a man who has no credit or character in the court-house, nor at home among his neighbors, for truth

and honesty. You will please find inclosed my account with Colvert. I will be over Saturday, 17th instant, and would be glad to see you concerning the matter.

Respectfully, yours,

J. R. DAVIS.

To H. X. DWIRE, esq.,
Deputy Collector.

N. B.—The balance that I am due R. S. Colvert on my note is $84.99½. You can send him this amount from my May check, but if any more it will be on your own responsibility. As to the account, I am ready at any time to swear to it.

J. R. D.

I would like for you to read this letter and account over to the Doctor, just in order to show him that I have never denied the validity of this note, but the account was not accepted is the reason why it has not been paid, as Colvert said that I ought to let that go, and that the storekeeper should pay these deficiencies and keep the distillery in repair, as the tax-payers had enough to pay 90 cents on the gallon to the State before one-half ever reached Washington.

R. S. Colvert, Dr., to J. R. Davis, on account.

1878.		
June 7.	To 1 bucket of paint, $2; to 2 brushes, 35 cents	$2 35
June 17.	To cash paid J. Colvert to buy paint	1 00
July 15.	To balance paid on T. P. stamps	25
July 15.	To withdrawal entries, 25 cents, and 1 bottle of Dr. Pott's medicin, 50 cents	75
July 27.	To 2 papers horse and cattle powders, 25 cents each	50
July 27.	To cash on T. P. stamps	25
Oct. 5.	To 2 papers tax and 1 bottle mucilage	25
Nov. 5.	To cash paid for telegraph dispatch to Charlotte	1 00
Nov. 5.	By cash loaned to pay hand	50
Nov. 5.	To cash paid for solder to repair pipes	25
Dec. 7.	To cash on T. P. stamps	1 80
1879.		
April 9.	To cash for millet seed, 1½ bushels, $1.25	1 87½
Mar. 9.	To cash paid deficiency to Dept. Matt	10 54
Mar. 9.	By cash loaned J. E. Colvert to pay on horse	10 00
From April, 1878, to July. 1879, to 92 D. W. stamps, at 10 cents		9 20
	Total account	40 51½

Received payment in full, to be credited on his note given to R. S. Colvert for $130.50.

J. R. DAVIS.

C.

[Office of John E. Colvert, manufacturer of and dealer in pure North Carolina whiskies and brandies.]

WILLIAMSBURG, N. C., *May* 24, 1880.

Mr. J. R. DAVIS:

DEAR SIR: I rec'vd the $5.00 sent me some two weeks ago and have given you credit for the amount. As it has been on hand nearly two years, I have sent your account in full. I want it closed out by money or note by return mail, and oblige. I have paid $6.30 cents deficiency tax, and they are claiming $29. for last June. I want you to attend to it and see what is the cause. I think 90 cents tax is a plenty for any stiller to pay on whisky. Let me here from you right away, and oblige, &c.,

Yours as ever,

R. S. COLVERT.

J. R. Davis dr. to R. S. Colvert.

1878.			
April 1.	To 9 months' board, at 9 per month		$81 00
1879.			
Apr. 1.	To 5 month's & 12 days, at $20		107 80
	To F. Tomblin, for leather		16 65
Cr.	By sundries of bill	$28 35	
1880.			
Mar. 2.	Cr. By cash	5 00	
		33 35	190 45
			33 35
	Amount due		$157 10

Settled.

I am needing it very much, as bad, are bilding & everything wants money & I cannot get along with credit all the time, &c.

R. S. C.

D.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, —— DISTRICT, NORTH CAROLINA,
Williamsburg, Dec. 13, 1878.

Dr. J. J. MOTT,
Collector of Int. Rev.

SIR: You will please pay to the order of T. N. Cooper twenty-five dollars from my November check, & oblige,

Very respectfully, yours,

J. R. DAVIS,
U. S. S. & Gauger.

E.

Geo. H. Brown, deputy collector and cashier in the collector's office, 6th dist. N. C., states that on the 21st day of March, 1881, J. R. Davis came into the office and stated me that he desired to pay the balance of his note to R. S. Colvert. Mr. Dwire being away from the office, he asked me if I had the note, I then examined a bundle of papers in the safe and found it, he then stated that he would pay all the balance, with the exception of $5.00 which he had paid Mr. Colvert, for which had rec'd no credit. I then made a calculation of the balance less $5.00 and found it to be $44.34. Mr. Davis then handed me a check for salary as storekeeper and gauger, which I cashed for him, he then paid me the amount found due $44.34. He did not claim that he was entitled to any credits except the $5.00 above mentioned.

GEO. H. BROWN,
Dep. Coll.

Sworn to and subscribed before me January 16, 1882.

WM. J. COITE,
Dep'y Col'er.

EXHIBIT G.

Reply to affidavit of J. T. McIntosh.

COLLECTOR'S OFFICE, 6th DIST., N. C.,
Statesville, Jan. 16*th*, 1882.

Hon. GREEN B. RAUM,
Com'r Inter. Revenue, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of a copy of an affidavit of J. T. McIntosh, late storekeeper & gauger in this district.

It seems hardly necessary to make a reply to his statements. He admits receiving every dollar due him, but complains that he was requested to aid the Republican committee, which he declined to do, and that he received a portion of his salary in cash instead of a draft. McIntosh would have it appear that his pay for June, 1880, was withheld. It was not rec'd at this office till April, 1881, after passage of a deficiency bill. A number of the officers, owing to the long delay had given orders to merchants and others for their pay. I had instructed the cashier to retain these checks until personal application or order was made by each officer for his pay. This was done to protect any who had made advances to them. When McIntosh did apply, according to affidavit of Mr. Coite, he requested the cash, and the check was made payable to *bearer*, the cash rec'd for it, and sent to him in this way for his accommodation.

This is frequently done in the office (checks made payable to bearer and the money remitted instead) for accommodation of those who might find difficulty in getting their drafts cashed where they reside.

Very respectfully,

JNO. J. MOTT,
Collector.

A.

[Slip cut from the Guide of April 1, 1881.]

The long-delayed pay for June, 1880, services, due storekeepers and gaugers, will be forwarded to the parties entitled within the next ten days.

B.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, 6 DISTRICT, NORTH CAROLINA,
Statesville, June 21st, 1881.

J. T. MCINTOSH, Esq.,
S. and G., Taylorsville, N. C.:

SIR: Your June, 1880, pay has been in this office awaiting your order. Not having called for it, a S. & G. is presumed to have disposed of the claim, & the cash is held until presentation by the holder.

I enclose your salary for June, 1880, as S. and G. as per act. rendered & allowed, being one hundred & four dollars ($104). Please acknowledge receipt.

Respectfully,

J. J. MOTT,
Coll'r.

Per C.

C.

To whom it may concern:

I have examined an affidavit (copy) as made by J. T. McIntosh, late stkr. & gauger in the 6th dist. No. Ca.; and in the matter of the payment to him of the amount due him for services during June, 1880, am able to make the following statement:

For want of appropriation, the payment of all a/c's of stkr. & gaugers for June, 1880, were delayed. The money therefor was not received at this office, and deposited to credit of Coll'r's D. A. until March 28, '81. The checks on it were dated Mar. 30, '81, but were not completed (filled out, signed, &c.) until about April 10, '81.

The delay in the payment of these accounts had tended in *many* instances to work hardship to the officers to whom it was due, and they (needing their money) had discounted or cashed the claims, and numbers of the orders were filed in this office.

When the cash had been received from Washington a notice (see appended paper marked A) was inserted in the "Guide," an official paper published monthly from this office and sent to *every* officer in the district.

It was decided imprudent, in view of the many orders, to remit to each S. & gr. without having first heard from him that there was no lien upon the amount originally due him. Though this course was strictly adhered to, the records show that within a few days of the receipt of the money and of the notice in the "Guide," but *few* of the amounts due (checks) remained on hand; it appears that McIntosh's was one; for on or about June 5, '81, I received from him a letter—addressed to *me* as dep'y coll'r—requesting me to send him his *cash* for June, '80. To oblige him, as I then thought, I obtained "cash" for his check, and after ascertaining from him that he had no orders "out" on that pay, I sent him the money in a *registered letter*, as he had requested. I enclose a copy of said letter, taken from the official copy-book in this office, wherein I at the time copied it (B). I may add that I have never received from Mr. McIntosh any acknowledgment of the receipt of the amount by him.

WM. J. COITE,
Deputy Coll'r.

Signed and sworn to before me this 16th day of January, A. D. 1882.

J. FRANK DAVIS,
Deputy Collector.

B.

Registry receipt.

Post-office at Statesville, N. C. Registered letter No. 883. Rec'd June 21, 1881, of J. J. Mott, addressed to J. T. McIntosh, Taylorsville, N. C.

L. A. SHARPE, *P. M.*

EXHIBIT H.

Reply to affidavit of W. C. Morrison.

COLLECTOR'S OFFICE, 6TH DIST. N. C.,
Statesville, Jan. 16th, 1882.

Hon. GREEN B. RAUM,
Com'r Inter. Revenue, Washington, D. C.:

SIR: I have the honor to acknowledge receipt of a copy of an affidavit dated Oct. 25, '81, of W. C. Morrison, lately a storekeeper & gauger in this district.

Morrison did contribute to the campaign of 1880. The amount of his contribution was sent to the Republican State ex. committee, except $25, which was sent to the Cong'l or national committee, which I suppose accounts for thereceipt of Mr. Jewell which he mentions.

Morrison did pay $3 to the account for office expenses kept by Mr. H. H. Dwire, and alluded to and explained in my reply to the affidavit of I. N. Summers. Morrison became dissatisfied because I refused to recommend his assignment to storekeeper's duty because of his intemperate (drinking) habits.

Very respectfully,

JNO. J. MOTT,
Collector.

STATE OF N. CAROLINA,
Co. of Iredell:

A. B. Gillespie, being duly sworn, deposes and says, that sometime during the summer of 1880 he requested W. C. Morrison, S. & G. for the 6 dist of N. C., to endorse a check, for what month or for what amount he does not now remember, for campaign purposes, and that at the time of doing so he stated to said Morrison that it was a volentary contribution and no one was requested to contribute except those who would do so willingly and cheerfully. Thereupon said Morrison did, of his own accord, endorse a check for his salery for one month, which check this deponent sent to the State executive committee through J. J. Mott. This deponent further swears that said Morrison, after endorsing said check, showed him a communication from Marshal Jewell, of the national executive committee, calling for a contribution for campaign purposes, and asked what he should contribute, and this deponent told him not to contribute anything, as the State executive comm. would arrange that matter out of the check he (Morrison) had just endorsed.

A. B. GILLESPIE.

Subscribed to & sworn before me this the 20th day of Jan., 1882.

J. FRANK DAVIS,
Deputy Coll.

EXHIBIT I.

Reply to affidavit of P. F. Somers.

COLLECTOR'S OFFICE, 6TH DIST. N. C.,
Statesville, Jan. 16th, 1882.

Hon. GREEN B. RAUM,
Com'r Inter. Revenue, Washington, D. C.:

SIR: I have the honor to acknowledge receipt of an affidavit (copy) made by P. F. Somers, late a storekeeper & gauger in the 6th Dist. N. C., dated Oct. 13, '81.

Somers says he did not get his pay for certain months related in his affidavit. The sworn statement of Coite, deputy collector, in charge of storekeepers' & gaugers' pay, shows to whom he gave these checks. This statement is marked (E), and hereunto appended.

The statement of Brown (affidavit marked F) shows that certain ones of them were paid by the order of Somers on taxes assessed against a distiller upon whose bond (I have since understood) a friend of Somers was surety. The ballance in Brown's hands not applied in settling these taxes was handed to Mrs. Somers, the wife of this man.

C. T. Colyer, in his sworn statement, marked (G), says he was requested by Somers to get his pay at times and hand to his (Somers') wife in Somers' absence. He accounts for the am't delivered to him by Coite.

Somers desired to be assigned to a certain distillery, I think, in July last. This distillery was in operation and another storekeeper on duty there. I spoke harshly to Somers for wanting to interfere with another man. This offended him, I suppose, and when he had some two months later been assigned to a distillery it was brought to my

attention that he had been making complaints against me. I ordered the deputy to have him report to this office. He answered by writeing the letter marked (A), to which I refer you, & also refer you to my reply marked (B), which I had no idea of ever having to present in this way. These, together with his reply marked (C) and a letter to the deputy of that division marked (D), and the evidence appended in the shape of affidavits, speak for themselves.

Very respectfully,

JNO. J. MOTT,
Collector.

A.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, 6 DISTRICT, NORTH CAROLINA,
Dec. 1*st*, 1881.

Dr. J. J. MOTT, *Coll'r*:

SIR: I am informed that you desire to see me to-day, and as I do not think a personal interview with you would profit me, I would rather postpone it at present. As to your letter of inquiry, I would say that I have not had *fair play*, and it seemed to me that you have exercised a personal ill-feeling towards me, which left grounds for me to complain. No complaint that I have made will be used against you only by my permission. You have abused me upon the statements of others, when they told you falsehoods, and I think it only justice to myself to appear in my own behalf.

I have made no statements about you which I cannot establish, and I must say that I have some influence and I expect to use it either for or against you, but if you will let the past go I will not desert you in the hour of *peril*.

Very respectfully,

P. F. SOMERS.

B.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT, NORTH CAROLINA,
Statesville, Dec. 1*st*, 1881.

P. F. SOMERS, Esq.:

SIR: I shall not accept your proposition, because it may be an infamous one. For if you believe that I am guilty of any dishonorable action, your proposition is an infamous one, and no one but a d—d scoundrel would make it, because, you say you are willing to drop the thing if I am. You say you have not been "fairly treated," and that I have listened to falsehoods from others about you, and that you have had cause to complain of my personal treatment of you. What are your "complaints," that is what I want to know? If they are not reflections on my integrity, probably I might be willing to let the "past go" after hearing your explanation of this and some other matters of your past official acts. But if anything you "complain" of is a reflection on my integrity, then, as I said before, your own proposition in your letter to me to-day shows you to be a d—d scoundrel, and I will treat you accordingly. I will be here on Saturday, and will be ready to see you, except under the latter proposition. I do not want to treat any man unfairly. I have never done it if I knew it.

Respectfully,

J. J. MOTT.

C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT, NORTH CAROLINA,
Dec. 3*d*, 1881.

Dr. J. J. MOTT, *Collector.*

SIR: In response to your letter of the 1st inst., I would say that the proposition of which you spoke was nothing more than a mere apology; but, however, it seems that you placed upon it a very dangerous construction, and I would here say that under existing circumstances I feel indisposed to make any additional propositions. Your relieving me from duty has led me to the conclusion that you have used your official power to press me to an explanation, and if so I shall hesitate to repeat any statement which I have made.

The statements which you desire me to disclose, or rather repeat, to you, are in the hands of the proper person, and will, by my permission, be used at the proper time. You may place me in the category of a d—d *scoundrel*, and treat me as such, but that will not kill my influence, nor stop me from making additional statements. You also refer to my past official conduct. As to this, I would say that my record is almost as clean as that of some of your leading officers, outside of your office. You can ostracise me and treat me as you like, but the truth is mighty and must prevail.

If I were to meet you in a private interview I could definitely explain to you any complaint I have made, and I feel satisfied that you would admit that I am right. Aside from the present issue, I will refer you to the case of Henry Setzer, over which you threatened, without any cause, to ask for my dismissal from office. In the same case you permitted my superior in office to seek revenge upon me for an indirect personal matter. I made to Maj. Coite a fair statement of the affair, but you could not listen to it; and, consequently, the matter was ended with unpleasant feelings when it might have been settled satisfactorily.

In conclusion I would say that you have had a chance to give me a better showing, but probably I have not deserved it. I have always been willing to discharge my duty as far as capable, but I have received unjust condemnation. It has always been a mystery to me why some officers could always do as they would please, while others live in servitude as it were. I had lived in hope of getting regular work in the service, but through the treatment already mentioned I have but little to hope for, and I have gradually drifted to a pivotal position. I have given the matter mature consideration, and shall be slow to act aside from my own decision. The present controversy shall not be much further agitated by me, as I deem it needless to dwell in discussion. Lastly, I would add that, outside of this issue, if my future were known to be as unpleasant as the past, I should not sigh for it. It has been my misfortune to be envied by some of your officers, and they have doubtless acted dishonorably toward me, which has probably been one cause of your discriminating against me. I am willing to act fair with every one, but I do not propose to be imposed upon, and I hope you will allow me to plead my cause.

Respectfully,

P. F. SOMERS.

D

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, 6th DISTRICT, NORTH CAROLINA,
Dec. 31*st*. 1881.

A. C. SHARPE, Esq., *D. Coll'r:*

SIR: I am aware of the fact that a contest will soon open over the collectorship of this district, and I would here say that I have some interest in the matter. I understand that Dr. Mott has charges against me, which I have failed to answer. At the time he called upon me to explain, I was somewhat indisposed to yield. He had personally threatened to dismiss me, and I felt that I had but little chance to meet any leniency from him. I could have answered the charges preferred, but he seemed to monopolize his official power to force me to explain, and I felt indignant about it. I made a very fair proposition to Dr. Mott, but he seemed to think it an unfair one, and abused me over it. I am no one to misrepresent any one, and am not inclined to be forced to do an act of indiscretion. I have made no charges against Dr. Mott, as alleged, but what I can explain to his satisfaction. And to-day, if I had the assurance that I could have his future sympathy, I would use my influence in his behalf. But I have often felt that he had a personal dislike towards me, and that I must look to a different source for favors. I have so often been misrepresented to him that I don't care to contend for myself any longer. I am now at a stand, and I must go with the tide which seems to be the most favorable. I am willing to let all past differences sink into oblivion, to be exhumed no more, provided a promise of protection is extended to me. I can explain to you, if Dr. Mott desires it, any statement that I have made about him. There is no time now to idle away, and all that made me desert Dr. Mott was his personal treatment. If you will cause me to be placed where I was I shall hereafter support you, and will be in sympathy with the present administration. I have some influence, and I expect to use it at no distant day. If you will take immediate action I will hold up for you. I expect to take a hand in the contest, and I leave this suggestion open to you. I leave the question with you.

Respectfully,

P. F. SOMERS.

E.

To whom it may concern:

I hereby state that I have examined the records of this office (the Office of Internal Revenue for the 6th collection district of No. Ca.) in the matter of payments made to P. F. Somers, late a storekeeper and gauger in this district, as referred to in the affidavit made by him, of which a copy has been shown to me, and I find as follows:

Check No. 5069, dated Feb'y 7, '80, for services in *Jan'y.* 1880 *, for $36, was "held for for pay't of assessment."

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* *Pay Jan'y, '80. See appended affidavit marked F.

Check No. 5153, dated Mar. 10, '80, for services in *Fe'by.* 1880 *, for $44, was "held for pay't of assessment."

Check No. 5442, dated April 5, '80, for services in *March*, 1880 †, for $108, was "held for assessment."

Check No. 5639, dated May 5, '80, for services in *April*, 1880 ‡, for $104, "delivered to C. T. Colyer."

Check No. 5898, dated June 22, '80, for services in *May*, 1880 §, for $92, paid to him *in person*.

WM. J. COITE,
Deputy Collector, 6th Dist., N. C.

Subscribed and sworn to before me, this 16th day of January, A. D. 1882.

GEO. H. BROWN,
Deputy Collector, 6th Dist., N. C.

F.

Geo. H. Brown, being duly sworn, states that for the last six years he has been a deputy collector and cashier in the office of the collector of int. rev. for the 6th dis't, N. C. I further state that the following checks of P. F. Somers, storekeeper and gauger in said district, for salary, were handed me by W. J. Coite, chief deputy collector, to wit: For the month of January, 1880, $36.00; for the month of February, 1880, $44; for the month of M'ch, 1880, $108.00.

It was my understanding at the time that the same were to be applied to payment of assessments against one J. H. Moose, a distiller in the district, at whose distillery said Somers had been under assignment in pursuance of an arrangement made between the said Somers and Moose at the instance of deputy collector Gillespie. The checks were held in my possession until the receipt of the following letter from P. F. Somers, to wit:

STATESVILLE, N. C., *April* 17, 1880.

Dr. J. J. MOTT,
Coll. Int. Rev.:

SIR: In regard to the deficiencies at Moose's, I would say that rather than to go into litigation so as to involve the sureties on the distiller's bond, I will stand good for that part of the deficiency. You will please forward me at your earliest convenience the deficiency in capacity and the assessments against Moose for same.

Very respectfully,

P. F. SOMERS, *S. & G.*

The following entry appears in the daily record of collections on lists under date of April 23, 1880:

					LISTS.		
						Int. & Penl.	Total.
J. H. Moose, Scott's X Roads,	April,	1879,	Defy.	spirits.....		29.70	4.09	33 79
"	May,	1879,	"	"		79.20	10.28	89 48
"	"	1879,	"	"		1.80	17	1 97
"	June,	1879,	"	"		27.00	3.24	30 24
Total								$155 48

The payment of the above amounts were made from the salary of P. F. Somers, as storekeeper and gauger, for February, 1880.....	$44 00
For March, 1880.....	108 00
Advance by Dep. Coll. Gillespie to close out the lists.....	3 48
	$155 48

On the same day I delivered the check of $36.00 for January, 1880, to Mrs. Kate Somers, wife of said P. F. Somers, who at times came to the office and rec'd her husband's pay. And afterwards, when the April salary became due, the amount of $3.48 advanced was handed me for Dep. Coll. Gillespie by either Somers of, or Mr. C. T. Colyer, who was attending to business for Somers while absent on duty.

I further state that on the 3d day of July, 1880, the said P. F. Somers paid me in cash the sum of $46.80, to be applied on an assessment against said Moose on the July, 1879, list for gallon tax on a package of spirits removed from warehouse, and I gave him a receipt for the same in the name of the distiller. I further state that I

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* Pay Feb'y, '80. See F.
† Pay Mar., '80. See F.
‡ Pay April, '80. See appended affidavit marked G.
§ Pay May, '80. See F.

never told the said P. F. Somers that his checks were in the possession of Collector Mott, but that I did state to him how they had been applied to the payment of the assessments against Moose, as he had directed.

GEO. H. BROWN.

Sworn to and subscribed before me this 16th day of January, 1882.

WM. J. COITE,
Deputy Collector.

G.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, 6 DISTRICT, NORTH CAROLINA,
Statesville, Jan'y 16, 1882.

To whom it may concern:

I was deputed by Mr. P. F. Summers on several occasions during the year 1880 to receive his check then due and hand the same to his wife, or get it cashed as requested and hand it to his wife, which was done by me on every occasion when a check was paid to me for him. The reason was that he being from home could not always conveniently come to the office to receive it personally, and his wife was on several occasions sick and unable to go to the office to receive it for him.

C. T. COLYER.

Sworn to and subscribed before me this 16th Jan'y, 1882.

J. FRANK DAVIS,
Dep. Col.

EXHIBIT K.

Reply to affidavit of J. N. Summers.

COLLECTOR'S OFFICE, 6TH DIST., N. C.,
Statesville, Jan. 16*th*, 1882.

HON. GREEN B. RAUM,
Com'r Inter. Rev., Washington, D. C.:

SIR: I have the honor to acknowledge receipt of a copy of an affidavit made October 19th, 1881, by J. N. Summers, late st'k'r & gauger in this district.

Summers made a voluntary contribution toward the expenses of the campaign of 1880. In evidence thereof I append his own statement. It was disposed of in accordance with his instructions to Gillespie, contained in the affidavit of Gillespie, marked A, and hereunto appended. Among his acquaintances Gillespie stands equal with any man for honesty & truthfulness. The affidavit of Gillespie shows that he had no such conversation with him as he (Summers) states in his affidavit.

The statement of Summers that he made a demand on me for this money is totally false. I have never had a word of conversation with him on the subject, or he with me. Summers swears further that he contributed one per cent. of his salary for months for office expenses, about $35; this is no doubt false. The account to which Summers here refers, as I explained to you long ago, was one made to pay a laborer kept in the office to wait upon and assist this class of officers (storekeepers & gaugers) in sending them blanks on which to make their reports, and expenses for printing, and for other expenses for the convenience of these very officers. The clerical force, on account of the rapid increase of distilleries, was inadequate to the work. I did not want to ask for more force before the end of the fiscal year, and each one of these officers were requested to help pay the expenses. The account commenced with Sept., 1879, & closed with June, 1880. If Summers had every month during that period contributed, as he states, one per cent. of his salary, the most he could have given would not exceed $9.

Mr. H. X. Dwire, at that time a deputy in my office, kept this account. I have requested him, by letter, to make a statement to you with regard to it, which he will do in a few days.

The action of Summers, as shown by the affidavit of W. J. Coite, marked C, will give you an idea of the kind of man he is, and what amount of credence his statements are entitled to.

Very respectfully,

JNO. J. MOTT,
Collector.

SWEET HOME, *Iredell Co., N. C.*

This is to certify that I subscribed to the campaign fund of the Republican State executive committee or North Carolina, during the State and national campaign of 1880, through Dr. J. J. Mott, the sum of $104.00, dollars, the same being a check for my salary as storekeeper and gauger for the month of September, 1880, and that the same was freely and cheerfully given, and would be again under like circumstances.

This 25th day of April, 1881.

Respectfully,

J. N. SUMMERS,
Stk. & Gr.

STATE OF NORTH CAROLINA,
Iredell Co.:

A. B. Gillespie, being duly sworn, deposes and says, that some time during the summer of 1880 he requested J. N. Summers, S. & G. for the 6th dist. of North Carolina, to endorse a check, for what month or for what amount he does not now remember, for campaign purposes, and that at the time of doing so he stated to said Summers that it was a voluntary contribution, and no one was requested to contribute except those who would do so willingly and cheerfully. Thereupon said Summers did of his own accord endorse a check for his salery for one month, which check this deponent sent to the State executive committee through J. J. Mott. This deponent farther swears that he made no such remarks to said Summers as "Don't say nothing about this at all, let it all go, if any body gets anything we will be the men"; that the only conversation between him and Summers was, that the money would be used for campaign purposes, and that all assessments made by the national executive committee would be settled out of the check then endorsed after it had been sent to the State executive committee. All that part of said Summers' affidavit, made on the 19th day of Oct., 1881, before A. D. Cowles, D. C., which states that, "soon thereafter the deponent met the said deputy collector, A. B. Gillespie, and acting on information given him by the collector demanded of him, the said A. B. Gillespie, the said check for the amount for services rendered as above stated, the deputy collector denied the allegation of J. J. Mott, collector, that he had it, asserting that he had nothing to do with his (deponent's) check," is utterly false.

The said Summers has never in his life had any conversation with this deponent in regard to checks supposed to be held by J. J. Mott.

A. B. GILLESPIE.

Sworn to and subscribed before me this 20th January, 1882.

J. FRANK DAVIS,
Dep. Collector.

C.

To whom it may concern:

I hereby certify that in this the 6th int'l revenue district of No. Ca. were commissioned two persons as storekeeper & gaugers, James M. Summers, of Smith Grove, Davie Co., and John N. Summers, of Sweet Home, Iredell Co. They are not related in any way, so far as is known. During the month of February, 1881, James M. Summers was on duty at distillery No. 1703, and John N. Summers at No. 560. Accounts for pay were rendered by James M. for $76, and by John N. for $96.

On March 10, 1881, checks were drawn by the collector for the payment of these accounts, and on that day J. N. Summers received his check for $96 at this office in person, and obtained the cash for it. A day or so thereafter the remainder of the checks were mailed to the persons in whose favor they were drawn. By clerical error, the check for $76 of James M. Summers was addressed to Sweet Home P. O., No. Ca. J. N. Summers received it, *endorsed* it, *obtained* the money on it, and *used said money;* all in face of the fact that he had *already* received his *own* pay for that month, and *must* have been aware at the time that his act was illegal, in fact, a forgery.

About May or June, 1881, James M. Summers, not having received his pay for February, 1881, gave notice thereof to this office. In pursuance of the duty devolving upon me, I made investigation and learned that J. N. Summers had received *two* checks for *that* month; I sent for him, and, upon his appearance, questioned him in regard to the matter. He acknowledged the facts as above stated, but could make no excuse. I at once ordered him to return to the cashier the amount of the check which he had illegally had cashed. He did so soon thereafter (I think it was from the proceeds of his own pay for the then current month), and the money was delivered to Mr. Jmaes M. Summers, its rightful owner, with a suitable explanation. I reported the circumstances to J. J. Mott, collector of the district.

WM. J. COITE,
Deputy Collector.

Signed and sworn to before me this 16th day of January, A. D. 1882.

GEO. H. BROWN,
Deputy Collector.

WINSTON, N. C., *January* 26, 1882.

Dr. J. J. MOTT,
Washington, D. C.:

SIR: In answer to yours, relative to the affidavit of J. N. Summers, I have to say I do not recollect about writing to Mr. Summers, but I think perhaps I did write him, as he had called a time or two at the office to know whether he had paid his assessments to date. I know he offered to pay a time or two, and I told him to hold on, as the account had not been made out and no money was needed at the time; and if I wrote it was to enable him to report correctly in making his statement to Hon. Commissioner. I recollect when I told Mr. Summers the amount he had contributed, he said it was about correct. I do remember that very few paid over ten dollars, and many only two or three dollars, and large number paid nothing at all; in fact, were never notified or requested to pay anything. If Mr. Summers had paid one per cent. for the whole amount he received he could not have paid over; say from $5.00 to $8.00 for time he was employed. If he had paid regularly, why should he have to inquire whether he had paid to date his assessments?

Very respectfully,

H. X. DWIRE.

Subscribed and sworn to before me.

JAMES MARTIN,
Special Deputy Coll'r.

EXHIBIT L.

COLLECTOR'S OFFICE, 6TH DIST., N. C.,
Statesville, Jan. 16th, 1882.

Hon. GREEN B. RAUM,
Com'r Int'l Revenue, Washington, D. C.:

SIR: I have the honor to enclose my replies to affidavits made by P. F. Somers, J. R. Davis, J. N. Summers, J. T. McIntosh, and W. C. Morrison.

I call your attention to the fact that these affidavits refer to matters happening in 1879, 1880, or early in 1881.

The statements are, as you will see on examination, totally untrue, except the two which relate to political contributions, and these are mainly false or convey false impressions.

In respect to all statements concerning contributions for political purposes, I would say that they were all voluntarily made, and that the sums so raised were used in an honorable and legitimate way in conducting the political campaign. That the officers making the contributions were informed, and knew, that it would make no difference in their treatment by the collector or the department at Washington whether they contributed or not, and in point of fact very many of the officers, for one cause or another, contributed nothing. Every single one who did contribute has or will give a statement to this effect, and in accordance with the above.

Very respectfully,

JNO. J. MOTT,
Collector.

EXHIBIT M.

[Private order.]

STATESVILLE, N. C., *Novr.* 14, 1881.

SIR: For reasons deemed by me sufficient, I have determined that, for the present at least, it is not advisable that any cases of violations of the internal-revenue laws should be carried to prosecution in these courts. You are therefore instructed, until further orders from me, to *stop "swearing out warrants"* of any kind. You will, however, not suspend your operations against illicit distillers and other violations of the laws, but continue them actively, destroy all illicit stills, and seize all forfeitable property, but swear out no warrants. This order being intended for yourself, officially, you will be pleased to so keep it.

Respectfully,

[L. S.]

JNO. J. MOTT,
Collector.

A true copy.

A. D. COWLES,
D. Clk.

OFFICE UNITED STATES COURTS,
WESTERN DISTRICT OF NORTH CAROLINA,
Statesville, Dec. 24, 1881.

Hon. C. J. FOLGER,
Sec'y Treasury, Washington, D. C.:

SIR: Inclosed find Dr. Mott, collector of internal revenue of this dist., *private* order issued to all his deputies. While there are a great many individuals who should be prosecuted in our courts for violations of the int. revenue laws, not a warrant is being issued. This letter is intended as a thrust at the judicial department of this district, prompted by malicious and unjustifiable motives of a very low order.

Yours, respectfully,

A. D. COWLES,
Deputy Clerk.

[Indorsement.]

TREASURY DEPARTMENT,
December 29, 1881.

Respectfully referred to the Commissioner of Internal Revenue.

J. T. POWER,
Chief Clerk.

EXHIBIT N.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 30*th*, 1881.

Dr. J. J. MOTT,
Collector, Statesville, N. C.:

SIR: Referring to our conversation in regard to your order of Nov'r 14th, 1881, to the subordinate officers of your district, directing them not to make complaints as the basis for the issuing of warrants for the arrest of violators of the internal revenue laws, I have to say that I have given the subject due consideration, and have to request that you revoke the order.

I agree with you fully that the officers of the government who are used as witnesses before the U. S. courts should be protected by the court from the unjustifiable abuse of the lawyers for the defense, and if this cannot be done before the district judge, upon proper application, I will request the district attorney to postpone the trial of internal revenue cases until the circuit judge can be present to sit in those cases.

You will please report your action upon this matter.

Very respectfully,

GREEN B. RAUM,
Commissioner.

EXHIBIT O.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, 6TH DISTRICT, NORTH CAROLINA,
Statesville, Jan'y 2, 1882.

Hon. GREEN B. RAUM,
Comm'r Int'l Revenue, Washington, D. C.:

SIR: I have the honor to acknowledge receipt of your letter of Dec. 30, 1881 (H. C. C.), referring to my order to my subordinate officers directing them not to "swear out" warrants, &c.

You request me to revoke my said order, promising that if my officers (as witnesses before the U. S. courts) are not protected from the abuse of lawyers for the defense, you will request the district attorney to postpone the trial of internal revenue cases until the circuit judge can be present.

I have already, in conversation with you, given my views in this matter. A United States judge should not allow men who stand well in their own neighborhood, and never drink a drop of spirits, to be denounced in his court as "perjured drunken revenue officers" (these are the terms), because they are officers of the government, and are testifying to frauds against the government. Especially should this not be the case in a Southern State, where all sorts of contumely and contempt are heaped upon all officers of the government.

The United States judge who permits such abuse upon honorable men is unworthy of his position; it exerts the worst of influences by bringing his own court into con-

tempt, and, by so prejudicing these Southern jurors against all officers, defeats the ends of justice.

It was for such reasons as these that I issued my order of November 14, 1881. I sincerely regretted the obligation imposed upon me, and as we will, doubtless, by your promised action, secure the honorable treatment in our courts that is only desired, I have revoked my directions to my deputies, and they will hereafter cause warrants to issue in any case of infraction of the internal revenue laws wherein, by personal investigation, they are convinced the case will stand, and that the witnesses (and their testimony) are sufficient and reliable.

Very respectfully,

JNO. J. MOTT,
Collector.

EXHIBIT P.

List of subordinate officers dismissed on charges in the Sixth Dist. North Carolina during Coll. Mott's term of office.

Name.	Office.	Date of dismissal.	Name of person making charges.	Nature of charge.
S. P. Graham.....	St'k'r and g'g'r..	Apr. 25, 1877.	J. J. Mott, collector.	Intemperance.
R. L. Howell.....	....do	June 8, 1877.	.....do	Do.
J. B. Howell.....	....do	June 12, 1878.	..... do	Do.
C. W. Eve.....	....do	July 2, 1878.	.....do	Do.
R. A. Cobb.....	....do	Nov. 1, 1878.	.....do	Malfeasance in office. True bill found by grand jury.
W. A. Mayhew	....do	Apr. 11, 1879.	.....do	Great negligence in discharge of duty.
P. S. Powell	....do	Dec. 3, 1879.	.....do	Intemperance.
F. G. Johnson	....do	Dec. 15, 1879.	Revenue Agt. Kellogg	Purchased unstamped brandy and concealed same in negro cabin on his plantation.
R. J. Williamson...	....do	June 1, 1880.	.....do	Neglect of duty.
Jas. W. Brown	....do	June 23, 1880.	.....do	Absent from duty while distillery was in operation.
W. G. Bogle.....	....do	Nov. 1, 1881.	Rev. Agt. McLeer..	Complicity in frauds.
W. P. A. White ...	St'k'r and g'g'r..	Nov. 1, 1881.	Rev. Agt. McLeer ..	Complicity in frauds.
Wood T. Scott	....do	Nov. 26, '81.	Rev. Agt. Brooks...	Absent from distillery during hours of assignment. Gave whiskey from distillery in exchange for chickens and offered deputy collector fifty dollars and a suit of clothes on condition that he would not report his (Scott's) irregularities.
J. F. McIntosh	....do	Dec. 25, 1881.	Collector Mott.....	Inefficient and inattentive.
Wm. C. Morrison..	....do	Dec. 25, 1881.	.....do	Do.
P. F. Somers.....	....do	Dec. 25, 1881.	.....do	Do.
John N. Summers..	....do	Dec. 25, 1881.	.....do	Do.

47TH CONGRESS, 1st Session. } SENATE. { Ex. DOC. 83, Part 2.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

Supplemental report of the Commissioner of Internal Revenue, with accompanying copies of papers, in response to Senate resolution of January 16, 1882, in relation to irregularities in the collection of internal revenue in the sixth collection district of North Carolina.

FEBRUARY 20, 1882.—Referred to the Committee on Finance and ordered to be printed.

TREASURY DEPARTMENT,
February 17, 1882.

SIR: I have the honor to transmit herewith the supplemental report of the Commissioner of Internal Revenue, with accompanying copies of complaints, charges, and reports of revenue agents, in response to Senate resolution of January 16, 1882, in relation to irregularities in the collection of internal revenue in the sixth collection district of North Carolina.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

Hon. DAVID DAVIS,
President pro tempore of the Senate.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 16, 1882.

SIR: I have the honor to transmit herewith, in reply to letter of Hon. Z. B. Vance, United States Senator, a copy of which letter is inclosed, marked Exhibit A, copies of all charges and complaints filed in this office, made by the people of the sixth district of North Carolina, and also copies of all reports in which reference is made to such charges and complaints. These copies are of papers relating, first, to the seizure of the property of Messrs. Latham and Newman, marked Exhibits B, C, D, E, F, G, H, I, K, L, and M; and, second, papers relative to frauds, seizures, &c., in case of the distillery of Q. D. Freeze and W. A. Daniels, marked Exhibits N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, and CC.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

EXHIBIT A.

UNITED STATES SENATE,
Washington, February 10, 1882.

HON. G. R. RAUM,
Commissioner Internal Revenue:

DEAR SIR: On examining your report in answer to my resolution of the 16th ultimo, I find nothing except as to complaints of the collection officers in regard to their pay, and the collector's orders suspending arrests, &c.

In these I was not interested, and for them the resolution did not call. I wanted the complaints, charges, &c., if any, made by the people in regard to the manner of executing the revenue laws in that district, and especially the reports of special agents Brooks and Kellogg, which I think were fairly included in the resolution under the words "other information."

In accordance with the promise of your letter to me, will you please furnish me copies of those complaints and reports.

Respectfully, yours,

Z. B. VANCE.

EXHIBIT B.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Athens, August 1, 1881.

ANDREW CLARK, *Collector:*

SIR: I am in receipt of yours of 2d inst. for further information relative to the seizure of teams and spirits from Wm. Newman, and all facts upon which I swore out the warrant. I swore out the warrant against Wm. Newman for removing spirits upon which the tax had not been paid—the warrant against Jasper Tathum for aiding and abetting in the removal. The circumstances are as follows: Very early (about 6 o'clock) on the morning of 27th July, Wm. Newman came into Athens on foot, acting in a mysterious manner, carrying a stick in his hand about five feet long; acted so strangely that I made inquiry as to who he was; was informed that he was *an idiot*, inquiring the way to the Rock College, which is one and a half miles out on the suburbs of the city. I followed him in that direction on foot (and in the mean time communicated the particulars to Deputy Marshal Osborne, who followed me mounted). Mr. Newman stopped at a bar room near the Rock College, kept by M. B. Morton, colored, where he remained a short time. When he left there he took an unfrequented road between two public roads, leading out near the Northeast Railroad depot—a road not generally traveled by parties coming from that direction when on legitimate business. Mr. Osborne followed him some three miles to where his wagon was encamped. I returned to the city to procure a horse, as I was on foot, and believing that he was an illicit whisky hauler, and that he would come in on the Harmony Grove road, I went in that direction some two or three miles, and finding no trace of him I returned and found Mr. Osborne in possession of the team with Wm. Newman and Jasper Tathum. Upon examination of the casks and whisky I found that it did not come up to the inspection marks from 4 to 7 degrees, as has been stated to you, with other irregularities. Newman stated that the whisky had been previously engaged to Mr. Beussee and Morton. I inquired of them. Beussee said that he had engaged some whisky from *some man* in North Carolina, but did not know *this man*. Mr. Morton had never seen this man, but said *maybe* his brother had engaged the whisky in his absence, *but* that this whisky did not come up to the *sample* of the whisky left at his place of business by some *unknown* party representing to be from North Carolina. Also, I had received information of two whisky haulers and teams who were in the vicinity of Maysville, on the Northeast Railroad, who were retailing whisky on the road; had description of the teams, and had been down there in pursuit of them on the 23d July; heard of such teams passing through Harmony Grove, 18 miles from Athens, one of which sold whisky at a blacksmith shop at Harmony Grove, where he had his team shod. I was therefore on the lookout for them, and found the team of Wm. Newman to fill the description of one of the teams of which I had been informed was trafficing *illegally* in whisky. This, with Newman's appearance, his suspicious actions, his erroneous statements, his whisky differing from that stamped on the casks in quantity and in proofs, the irregularities heretofore mentioned to you in brands and manner of attaching stamps, as is all whisky that comes to this section from P. B. Tatham's distillery, sixth district, North Carolina, led me to seize the property and have the parties arrested. I will be in Atlanta by the 6th August, at which time I hope to make a personal explanation satisfactory to the office.

Very respectfully,

GEORGE W. WARE,
Deputy Collector.

EXHIBIT C.

STATE OF NORTH CAROLINA,
Cherokee County:

Personally appearing P. B. Tatham, and being sworn, deposes and says that he is proprietor of distillery No. 1023, situated at Valley Town, county of Cherokee, sixth collection district of North Carolina. That there was deposited in his said warehouse two certain packages serially numbered 20 and 21, and serial number of warehouse stamp R. 347620, R. 347621. That the same was withdrawn from said warehouse in accordance with regulations in such cases made and provided, and that said spirits was delivered to him on the 16th day of July, A. D. 1880, and remained in his possession until the 21st day of July, 1880, when the same was delivered and put into the possession of William Newman and Jasper Tatham to be delivered to one Busee and Moulton, at Athens, in the State of Georgia, who had theretofore purchased the same from said Tatham at his said distillery, and was put into the possession of Newman and Tatham for delivery. This affiant avers that from the said 16th day of July, 1880, until the 21st day of July, 1880, the time said spirits remained in his possession after being withdrawn as aforesaid remained in like condition as when received from said warehouse, and that the same had not been changed in marks, brands, or proof, with his knowledge, connivance, or procurement, but remained, in fact, as when delivered from said warehouse. Affiant further swears that he is informed and believed that said spirits, together with wagon and team, was seized at Athens, in the State of Georgia, on the 27th day of July, 1880, for irregularities in the branding, marking, or proof thereof. That if such is the fact the affiant avers that he ought not to suffer thereby; that he has acted in good faith without any purpose or intent to defraud the government of its revenue, or to violate any law or regulations made for the collection of revenue or the internal-revenue law.

P. B. TATHAM.

The foregoing affidavit of P. B. Tatham was subscribed and sworn to before me on the 13th day of August, 1880.

F. P. AXLEY,
Deputy Collector.

EXHIBIT D.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Valley Town, August 13, 1880.

DR. J. J. MOTT,
Collector Sixth District:

SIR: On the 27th of July two packages of whisky sold by P. B. Tatham (together with wagon and team) were seized in Athens, Ga., for alleged irregularities in the stamping and proof. Tatham had sold this whisky at warehouse, and was to be delivered as shown by the accompanying affidavits. I understand that the whisky is now held only upon the grounds that it is under proof. The facts are Moss had not received hydrometer at the time the whisky was warehoused, and the proof was "guessed" at. Whisky was warehoused January 16 and 21, 1880. Hydrometer received last of March or first of April. I am fully satisfied, if there be a mistake, that Tatham, or those delivering the whisky, were not cognizant of it, and that no wrong ought to attach to them. The accompanying affidavits show that the whisky was in no way interfered with after Tatham received it. I therefore earnestly request that application be made to the honorable Commissioner of Internal Revenue for the release of the property, and for that purpose have sent you affidavits. In the mean time please request Collector Clark to suspend further proceeding until these parties can be heard.

Moss sends his statement in explanation of mistake or irregularities. I also send 59ª, showing two packages seized.

Tatham certainly ought not to suffer in the matter, and makes an earnest appeal to you through me for relief.

Respectfully,

F. P. AXLEY,
Deputy Collector.

EXHIBIT E.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, September 15, 1880.

Hon. GREEN B. RAUM, *Commissioner:*

SIR: On July 27 ultimo, as per report to your office on Form 117, I seized in possession of P. B. Tatham and William Newman the following described property, to wit: One horse, one mule, one wagon and harness, and two casks containing corn whisky, purporting to have been distilled and tax paid by P. B. Tatham, sixth district of North Carolina. These two casks were numbered 20 and 21, respectively. Package No. 20 is marked and branded to contain 48 gallons, proof 100, and cask No. 21 to contain 46 gallons, proof 100. The first-mentioned was found, upon examination and inspection with the United States standard gauging instruments, to contain but 46 wine gallons, proof 96 per cent., and the second 42½ wine gallons, proof 93.4 per cent., being a discrepancy between stamps, marks, and brands of nearly 4 gallons in package No. 20 and of over 6½ gallons in package No. 21.

In addition to these discrepancies the tax-paid stamps on the casks were clumsily put on over painted heads, with seven instead of eight tacks, and unvarnished, and the heads of the casks did not have thereon the name, in letters of one inch in length, of the particular kind of spirits as known to the trade. These irregularities constitute the grounds of seizure.

The claimants represent that the storekeeper and gauger at the distillery did not have, at the time the spirits was warehoused, a hydrometer, and had therefore no means of ascertaining the true proof of the spirits in the casks. This claim is corroborated by Collector Mott, who informs me that such was the fact. W. A. Morse, the storekeeper and gauger by whom the spirits was inspected and stamped, was at my office, and admits his responsibility for the imperfect manner in which the stamps were affixed, and for the absence of the proper brands, of which regulation he states he had never been advised.

The evidences of good faith upon the part of the distiller are therefore conclusive to my mind, and I have directed the release of the team and wagon to claimants upon payment by them of all expenses attached thereto while the property was in the custody of the United States. But regarding the spirits as clearly subject to forfeiture under section 3299 of the Revised Statutes, it has been sold under section 3460, Revised Statutes.

Storekeeper and Gauger W. A. Morse has, in my judgment, clearly demonstrated his fitness for the position he now occupies under the government.

Respectfully,

ANDREW CLARK,
Collector.

P. S.—A copy of Collector Mott's telegram is herewith inclosed.

EXHIBIT F.

STATESVILLE, N. C.,
September 13, 1880.

To ANDREW CLARK,
Collector, Atlanta, Ga.:

Office records shows want of hydrometers at time stated, instruments sent to storekeeper, via Asheville, latter part same month. He may not have received them until March.

J. J. MOTT,
Collector.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, September 20, 1880.

Hon. GREEN B. RAUM, *Commissioner:*

SIR: Referring to your letter W. T. C. of 18th, you are informed that the name of the storekeeper and gauger referred to in my letter of 15th was erroneously given me by my deputy who made the seizure. It is H. A. Moss instead of W. A. Morse as formerly stated.

A copy of Collector Mott's telegram is herewith inclosed.

Respectfully,

ANDREW CLARK,
Collector.

EXHIBIT G.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
January 7, 1881.

Dr. J. J. MOTT,
Collector 6th District:

SIR: I herewith inclose several affidavits bearing upon the sublect-matter of G. W. Hayes' letter of the 1st December, 1880, to Hon. Commissioner of Internal Revenue; also H. A. Moss, storekeeper, statement. I am clearly of the opinion, from the thorough investigation I have made, that Tatham is in no way responsible for the seizure and ought not to bear the loss. Evidently Moss did not do his duty in allowing the whisky to be removed from warehouse without the regulations being strictly complied with, and he alone is responsible for this part of the work. Tatham was very sick at the time and relied upon Moss to have the packages properly stamped and branded, and says that Moss ought not to have turned it out till this was done. While there is no question as to the negligence on the part of Moss, the charge of using whisky to excess cannot be sustained. I have made diligent inquiry in this regard, and particularly of the gentleman with whom Mr. Moss boarded, and he informed me that at no time had he ever seen Moss under the influence of whisky. The general charge that too many of the officers in this part of the district use whisky to excess, I assert most emphatically cannot be sustained. I herewith return Hayes' letter. Please inform me what can be done to relieve Tatham, if anything.

Respectfully,

F. P. AXLEY,
Deputy Collector, 10th Division, 6th District, North Carolina.

VALLEY TOWN, N. C., *December* 24, 1880.

STATEMENT.

In regard to certain barrels of whisky seized in Athens, Ga., belonging to P. B. Tatham, I entered serial No. of packages 20 and 21, serial No. warehouse stamps R. 347620; R. 347621, contents in gallons 48 and 46, entered January 16 and 21, 1880. When I entered the whisky I had no hydrometer. Proofed the whisky the best I could with a vial.

On the 16th day of July, 1880, I withdrew the same barrels from warehouse by order from J. J. Mott, collector 6th district, N. C. Date of permit, July the 9th, 1880. Serial No. of tax paid stamps, R. 1447816, R. 1447817, with 7 tacks in each stamp. Tax paid stamp unvarnished for the lack of varnish. After the seizure I saw the same barrels in Athens, Ga.; knew them to be the same barrels above stated.

H. A. MOSS,
Storekeeper and Gauger.

TOMATOLA, CHEROKEE COUNTY, N. C., *December* 1, 1880.

COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.:

DEAR SIR: I address you in reference to P. B. Tatham, who is running a government distillery in this (Cherokee) county, N. C., 6th district; No. of distillery 1023. On or about the 20th of June last P. B. Tatham sold at his warehouse two casks of whisky to Busee of Athens, Ga., at $1.40 per gallon at the warehouse, and was to deliver it by the 1st of August. According to promise Tatham delivered the said whisky at the specified time, and on delivery was inspected by one George Ware, a special deputy collector. On examination it was found that the storekeeper and gauge had failed to do his duty. Thereupon Ware seized the boys, wagon, team, and whisky. The boys were sent to Atlanta jail, and kept there 20 days. I was employed by Tatham to go and look after them; I had them released without giving bond. The wagon, team, and whisky were kept for 45 days. The wagon and team were then released, and the whisky sold for the tax. One cask was sold for $1.35 per gallon, the other for $1.50 per gallon. There were several causes for seizure. The whisky was not proof. The stamp had but seven tacks in it when the law requires eight, and the stamp was not varnished, and was put on a painted head. The distiller's name was a ¾ brand instead of 1 inch. H. A. Moss, the storekeeper and gauger had no hydrometer to weigh said whisky, therefore had to guess at the proof of the whisky by tast-

ing, and with a vial. He painted the head of the cask himself, and neglected to varnish the stamps and to put in the number of tacks the law required.

Now, I ask you in the name of the law, honor, and justice is P. B. Tatham to suffer on account of H. A. Moss's neglect? Tatham has been confined to a bed of affliction ever since last March; has not been out of his room until a few days ago. His loss has been very heavy for a man as poor as he is. It has been something over $300. Whisky, $141; expenses of horses while in custody $54; expenses to Atlanta, three trips, $75. Other minor expenses, $50. Moss is paid $4 per day to look after the interest of the United States. Is Tatham to be ruined financially for his (Moss's) neglect? If the United States fails to refund to him what he has been out he will be compelled to stop his distillery. I can send you the affidavits of the boys that hauled the whisky, certifying that the whisky was not tampered with after it left the warehouse. With these facts in view, I hope your honor will see to it at once, and if possible, have the money refunded.

Let me hear from you soon.

Yours, very respectfully,

GEO. W. HAYES.

P. S.—I will say, furthermore, that I am well acquainted with most of the United States officials in Western North Carolina; am sorry to say that too many of them use whisky to excess, and am credibly informed that Moss was under the influence of whisky, which was the cause of his neglect.

(Signed) G. W. HAYES.
P. B. TATHAM, *Agent.*

STATE OF NORTH CAROLINA,
County of Cherokee:

Personally appearing G. W. Hayes, and, being sworn, deposes and says that he resides in Tomatola, in the county of Cherokee, and State aforesaid; that about the 12th or 15th day of August, 1880, at the instance and request of P. B. Tatham, who at the time of making the request was very sick, and had been for a long time before, he visited the town of Athens, in the State of Georgia, for the purpose of looking after two packages of whisky belonging to said Tatham, and which had been seized by an internal revenue officer upon the grounds that the stamps upon said packages were not varnished, and that there was but seven tacks in said stamps; that the letters designating the particular name of the spirits as known to the trade were less than one inch in length, and that the proof of said spirits were not 100 per cent.; that said packages of whisky were in the possession of one Ware, a revenue officer, and were serially No. 20 and 21. That at the time said seizure was made the wagon and team was also seized, and Jasper Tatham and William Newman arrested and imprisoned. That afterwards, to wit, on the 10th of September, 1880, affiant again visited Athens to look after the interest of Tatham in said property, at which time the revenue officer informed affiant that he held said two packages of whisky upon the grounds that it was not proof; other irregularities were waived, and that if the storekeeper and gauger would certify that he might be mistaken in the proof, that he would release the same; that the wagon and team were released and turned over to the owners thereof, and Tatham and Newman discharged without trial. Affiant swears that at the time he visited Athens as aforesaid, he procured samples of said whisky and taken the same to the city of Atlanta, and had the same weighed and tested by an officer in the collector's office of the second district of Georgia, and that one sample shown $96\frac{3}{8}$ and the other $98\frac{7}{8}$. Affiant further swears that he is informed and believes that said two packages of whisky were sold by said officer, one package bringing $1.35 per gallon, the other $1.50 per gallon; that Tatham had engaged said whisky at $1.50 per gallon. Affiant further swears that the expenses for keeping said team at Athens, Ga., while under seizure, amounted to $54.60. That he made three trips to Athens and Atlanta, Ga., at the instance of said Tatham; that the expense of first trip amounted to $48, second trip $17, third trip $16; that his time and trouble was reasonably worth $28.25. That the aggregate amount paid out by said Tatham in and about the matter amounted to $163.85.

(Signed) G. W. HAYES.

Subscribed and sworn to before me this 3d day of January, 1881.

(Signed) F. P. AXLEY,
Deputy Collector Tenth Division, Sixth District, North Carolina.

STATE OF NORTH CAROLINA,
Cherokee County:

Personally appearing William Newman, and, being duly sworn, deposes and says that he resides at Valleytown, county and State aforesaid. That on the 21st of July, 1880, two packages of whisky was put in this affiant's and Jasper Tatham's possession

for delivery to Busee and Pink Moulton, at Athens, in the State of Georgia. That one of the horses in the team hauling said whisky belonged to affiant's father; the other, to Daniel Holland; the wagon, to Mr. Tatham. That said whisky, as affiant is informed and believed, had been withdrawn from the distillery warehouse of P. B. Tatham. That said whisky was taken by affiant and Jasper Tatham to Athens, in the State of Georgia, for delivery as aforesaid. That they arrived at Athens, Ga., on the 27th day of July, 1880, when said whisky, wagon, and horses were seized by internal revenue officers for alleged irregularities in the marking and stamping the same, and the insufficiency of the proof thereof.

Affiant further swears that from the 21st day of July, 1880, when said whisky was put in affiant's possession, until the 27th day of July, 1880, when the same was seized, the marks, brands, or stamps, nor the proof thereof had not in any way or manner been changed or interfered with, but was and remained in like condition as when received from P. B. Tatham, on the 21st day of July, 1880. Affiant further swears that he is informed and believes that said two packages of whisky were sold at Athens, Ga., on the of , 1880. That the wagon and team was released and returned to the owners.

(Signed) WILLIAM NEWMAN.

STATE OF NORTH CAROLINA,
Cherokee County:

Personally appearing Jasper Tatham, and, being duly sworn, deposes and says that he has heard read the affidavit of William Newman, and knows the contents thereof, and that the same is true to the best of affiant's knowledge and belief, and that he is personally cognizant of the fact stated in said affidavit. Affiant further swears that the stamps, marks, and brands upon said packages were not altered, changed, or in any manner interfered with, but that the said marks, stamps, brands, and the proof thereof, remained intact as when received from P. B. Tatham.

Affiant further swears that he was not cognizant of any irregularity in the marks, brands, or stamps upon said packages.

(Signed) J. M. TATHAM. X.

NORTH CAROLINA,
Cherokee County:

Personally appearing P. B. Tatham, and, being duly sworn, deposes and says that he is proprieter of distillery No. 1023, situated at Valley Town, county of Cherokee, 6th collection district of North Carolina. That there was deposited in his distillery warehouse two certain packages of corn whisky, serially No. 20 and 21, and serially number of warehouse stamps, R. 347620, R. 347621. That said spirits was warehoused during the month of January, 1880, and withdrawn from same in accordance with regulation in such cases made and provided, and that said spirits was delivered to him on the 16th day of July, A. D. 1880, and remained in his possession until the 21st day of July, 1880, when the same was delivered to and put in the possession of William Newman and Jasper Tatham, to be delivered to one Busee and Moulton, at Athens, in the State of Georgia, who had therebefore purchased the same from his affiant at his said distillery warehouse, and was put in the possession of the said William Newman and Jasper Tatham aforesaid, for delivery. This affiant avers that from the said 16th day of July, 1880, until the 21st day of July, 1880, the time said spirits remained in his possession after being withdrawn as aforesaid, remained in like condition as when received from his said warehouse as aforesaid; that the same had not been changed in marks, brands, or the proof thereof with his knowledge, connivance, or procurement, but remained intact as when withdrawn and delivered from his said warehouse. Affiant further swears that he is informed and believes that said spirits, when warehoused in the month of January aforesaid, was not proofed with hydrometer as required by the laws and regulations, for the reason that the stoorkeeper & gauger in charge of said distillery warehouse had not been furnished with hydrometer, and, therefore, the proof of said spirits had not been determined in the manner required by law. Affiant further swears that he is informed and believes that said two packages of spirits, together with wagon and team, were seized at Athens, in the State of Georgia, on the 27th day of July, 1880, for irregularities in the marks and brands, and that the proof thereof was not 100 per cent. Affiant further swears that he is informed and believes that said two packages of spirits were sold by an internal revenue officer at Athens, Georgia, on the day of , 1880; that said wagon and team were released and delivered to the owners thereof. Affiant further swears that at the time of said seizure and for a long while thereafter, to wit, months, he was prostrated by severe sickness, and wholly unable attend to any business whatever, and in consequence of said sickness he did not give, nor could not, the subject-matter of this affidavit his personal attention. Affiant further avers that in regard to said two packages of spirits, and in all other matters connected with his said distillery, he has

acted in good faith, without any intent or purpose to defraud the government of the revenue, or to violate any law or regulation made for the collection of revenue or for the manufacture of distilled spirits.

(Signed) P. B. TATHAM.

NORTH CAROLINA,
Cherokee County:

Personally appearing William Newman, and, being duly sworn, deposes and says that he resides at Valley Town, Cherokee County, North Carolina. That on the 21st day of July, A. D. 1880, two packages of whisky was put into this affiant's and Jasper Tatham's possession, to be delivered to a Mr. Busee and Pink Moulton, at Athens, in the State of Georgia; that one of the horses in the team hauling said whisky belong to this affiant's father, the other to David Holland, the wagon to Mr. Tatham; that said whisky, put into affiant's possession as aforesaid, had been withdrawn from the distillery warehouse of P. B. Tatham, as he is informed and believes; that said whisky was taken by affiant and Jasper Tatham to Athens, Ga., to be delivered as aforesaid; that they arrived at Athens, Ga., on the 27th day of July, 1880, when said whisky, wagon, and horses were seized by internal revenue officers for alleged irregularities in the marking and stamping the same; that affiant further swears that from the said 21st day of July, 1880, until the said whisky was seized that the marks, brands, stamps, or the proof thereof had not in any way or manner been changed or interfered with, but was and remained as delivered to him by P. B. Tatham on the 21st July as aforesaid.

(Signed) WILLIAM NEWMAN.

Sworn and subscribed before me this 13th day of August, 1880.

(Signed) E. P. AXLEY,
Deputy Collector.

NORTH CAROLINA,
Cherokee County:

Personally appearing Jasper Tatham, and, being duly sworn, says that he has heard read the affidavit of William Newman, and knows the contents thereof, and that the same is correct and true in every particular, to the best of affiant's knowledge and belief; and to the best of affiant's knowledge the stamps, marks, or brands, or the proof thereof, were not altered, changed, or in any manner interfered with; and that this affiant and said Newman in whatever they had to do with said whisky acted in good faith, and without any intent to defraud the government or violate the internal-revenue laws.

(Signed) JASPER TATHAM.

Subscribed and sworn to before me this 13th day of August, 1880.

(Signed) F. P. AXLEY,
Deputy Collector.

I send you the affidavits. Please show them to Raum and do all you can.

(Signed) G. W. H.

EXHIBIT H.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, January 13, 1881.

SIR: I have the honor to return a letter from G. W. Hayes, "relative to loss incurred by P. B. Tatham, distiller in Cherokee County, through failure of the storekeeper and gauger to affix stamps properly to packages of whisky gauged by him, and through his incorrect gauging of said spirits," together with a report, made by my orders by Deputy Collector Axley, to whom I had referred the matter for investigation, &c.

Very respectfully,

J. J. MOTT,
Collector.

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

EXHIBIT I.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, April 11, 1881.

SIR: Your letter of the 9th instant, O. F. D., Ch., W. T. C., and W. J. M., inclosing copy of one from George W. Hayes, agent for P. B. Tatham, of Tomatola, Cherokee County, North Carolina, in relation to certain property seized in this district from Tatham & Newman on July 27, 1880, is duly received.

In reference to Mr. Hayes' letter, you ask if I can state what it is that is wanted, and also whether the parties have any just claim against the government.

If you will pardon me I will state, in answer to your first inquiry, that, judging from the tenor of Mr. Hayes' communication, the thing wanted seems to be money. But I must dissent from his proposition that "justice demands" that which he asks, or which I infer he asks, from the government.

Shortly after the seizure of the property in question, Mr. Hayes came to my office, accompanied by H. A. Morse (or Moss), the storekeeper and gauger at Tatham's distillery warehouse. The results of their joint conference with me were fully reported in my letter to you of September 15, 1880, to which you refer; and Mr. Hayes, as the agent of Tatham, appeared satisfied that under the circumstances the spirits were forfeited, and was content to pay the expenses incident to the seizure of the team and wagon as the condition of their release.

From the various statements of the case made before me, and the circumstances attending the seizure as stated by Deputy Collector Ware in his report of the same (a copy of which is herewith inclosed), I concluded that, while Storekeeper and Gauger Morse appeared to be culpable in the matter of turning spirits out of warehouse, it was quite probable that the packages seized had been tampered with *in transitu* from North Carolina to Georgia.

But no matter upon whom the responsibility for the condition of the casks and spirits at the time of seizure rests, it was clearly subject to forfeiture. If Mr. Tatham has indeed suffered unjustly, his recourse would seem to be, properly, upon the parties through whose inadvertence or improper conduct he sustained the loss, and not against the government for enforcing a law by the plain terms of which the property was made forfeit.

In view of the facts herein and previously stated in regard to this matter, I conclude that the parties have no just claim against the government.

Very respectfully,

ANDREW CLARK,
Collector.

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

EXHIBIT K.

TOMATOLA, CHEROKEE COUNTY, NORTH CAROLINA,
March 31, 1881.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

DEAR SIR: I wrote you some time since concerning two casks of whisky, a wagon and team of horses of P. B. Tatham's that were seized in Athens, Ga., in July, 1880. Since I wrote you F. P. Axley, a special deputy collector of the sixth district of North Carolina, has sent up several affidavits concerning the whisky, team, expenses, &c. I stated all of the facts when I wrote you some time ago, and it is useless for me to repeat them.

Tatham is badly in need of his money, as he has been in feeble health for twelve months. Will you write me at once whether or not Tatham's money will be refunded? If it will not be paid, we should like to know it, so that we can look in some other direction for the money.

I do not think we have asked anything more than justice demands.

Trusting to your honor to do justice to Tatham, I close, hoping to hear from you very soon, I am, yours obediently.

GEO. W. HAYES, Agent,
For P. B. TATHAM.

EXHIBIT L.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT, NORTH CAROLINA,
Statesville, July 11, 1881.

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.:

SIR: I have the honor to acknowledge receipt of your letter of 7th instant, W. T. C., Ch., O. F. D., W. J. M.

Upon receipt of your letter of April 22, 1881 (although I had no record of any letter from G. W. Hayes, concerning a seizure of property from P. B. Tatham, as referred to me), I addressed my deputy, in whose division Tatham's distillery is located, on the subject; as I deemed it probable, had such a letter been received at this office, that it would naturally be referred to him for investigation, or reply, as might be necessary.

I have received no reply from said deputy; and to-day I again write to him in the matter.

Very respectfully,

J. J. MOTT,
Collector.

EXHIBIT M.

TOMATOLA, CHEROKEE COUNTY, NORTH CAROLINA,
January 24, 1882.

Hon. R. B. VANCE,
Washington, D. C.:

MY DEAR SIR: I write you in reference to P. B. Tatham, who has been running a government distillery on Valley River. On or about the 15th of July, 1880, sent two casks of whisky to Athens, Ga., serial No. package 20 and 21; gallons of the No. 20, 48; of No. 21, 46; total, 94 gallons; date of warehouse stamp, January 12, 1880; tax-paid stamp, July 9, 1880; number of distillery, 1023, in the sixth district of North Carolina; serial number of warehouse stamp, R. 347620, and R. 347621. The whisky was engaged at the warehouse to be delivered in Athens, Ga., in 30 days. Accordingly it was delivered and was seized by one George Ware, a United States deputy collector, and the drivers sent to Atlanta jail, and remained there 18 days. Cause of seizure, the stamps had but 7 tacks (and the law required 8) and was not varnished as the law required. The stamp was put on a painted head, and was marked 100 proof when it was only 97, which was caused by the stoorkeeper and gauger having no hydrometer to proof the whisky.

The boys that were sent to Atlanta jail were released without a trial. The wagon and team were released after keeping them 54 days and paying the expense of keeping said team. The whisky was sold at $1.50 per gallon, $141.

I went three trips to look after it, which cost, with the expense of the team, $147, besides my own time, which amounted to $35. The whole amount that Tatham lost was $323. Can you pass a bill in Congress for Tatham to get his money? I went to Atlanta with Moss (the storekeeper and gauger). Clark (the collector) said to him if he would acknowledge that he was mistaken about the proof of the whisky that he would release it. Moss would not do it, although he had no hydrometers. To be plain about it, the United States storekeepers, gaugers here, are so drunk most of their time they do not know what they are doing, but of such is the radical party.

I wrote to Raum and you will find some affidavits on file there. They pay officers to protect the government and the distillers, and if they give the places to men who are not competent to fill their places the government should be responsible for all losses.

I want you to do all in your power to get Tatham's money for him. Will you see Raum in person and see if you can do anything with him? If you can do nothing with him, can you get the bill through in favor of Tatham? It is too much for him to lose it all. I will send you affidavits to substantiate all I say if you need them.

Have you done anything with the claim for the three mules I sent you?

If you can do anything with Tatham's matter, and need any more information, I will give you any you may desire.

Many thanks to you for public documents.

I hope to hear from you soon.

I am, yours truly,

GEO. W. HAYES.

EXHIBIT N.

UNITED STATES INTERNAL REVENUE,
Statesville, N. C., October 28, 1881.

Col. A. H. BROOKS,
Revenue Agent, Greensboro', N. C.

SIR: I have the honor to report that on the morning of October 24th, accompanied by R. H. Crawford, I visited the distillery of Q. D. Freeze, No. 1773, sixth district of North Carolina, located near Statesville. This distillery suspended in June last and is still under suspension. At the time of our visit we met Mr. Freeze at the distillery Upon examination we found that he had made one mash, which was found in one of the stills. This, Mr. Freeze at first claimed, was for his hogs, but afterwards admitted that he had made a regular mash of two bushels of corn-meal to which he had added one-half a peck of malt. He said the regular mash was four bushels of corn-meal and one peck of malt. The mash we found, Mr. Freeze said he made on Monday afternoon and put in the still Tuesday morning. I tasted the beer and found it sweet. Mr. Freeze said he intended starting the fires and running it off on Friday. All the tubs were turned bottom up, but when I turned some of them over they showed evidence of recent use. Freeze then pointed out the four tubs that the mash was made in, which we found in the still. Mr. Crawford and I drove at once to Statesville, but Mr. Coite, chief deputy collector in charge, could not be found. We looked through Statesville for him and finally went to his house, where I was told by a lady there that he had gone out hunting with Colonel Allen and would not return until evening. Collector Mott was also absent from town. In the afternoon we again went to the distillery of Q. D. Freeze, this time accompanied by general storekeeper and gauger, G. W. Sharpe, and upon examination found that the plug had been pulled off the discharge-pipe of the still and the beer allowed to run out on the floor and through into the creek. General Storekeeper and Gauger Sharpe upon being asked his opinion, made the remark that if he had found such a state of affairs he would report same to collector's office, and recommend seizure of distillery and belongings. Deputy Collector Coite came to the hotel about 7 o'clock p. m., and Mr. Crawford and I went with him to his office, where I made a verbal report to him of all that had taken place, and he decided to seize the distillery with all spirits in the warehouse in the morning, without delay. The next morning we found it rumored on the street that some parties had visited the distillery of Q. E. Freeze during the night and removed the stills and caps from the distillery and also the whisky in the warehouse. On calling at the collector's office in relation to the matter we found Deputy Collector Coite apparently ignorant of events that were said to have transpired during the night, and on that point we did not enlighten him. He said he was waiting for some one to come in that he could send out to make the seizure; was also waiting for the arrival of a bill of sale that one W. A. Daniels, a distiller near Freeze's distillery claimed he held, duly executed by Q. D. Freeze to him last June, covering all the whisky in the warehouse.

Mr. Daniels seemed to be very much exercised about developments made at Freeze's distillery. Deputy Collector Stockton reported to me that he had held a conversation with Mr. Daniels that morning, during which Mr. Daniels had remarked to the effect that the revenue officers had been to Freeze's distillery, found things wrong, and were going to seize everything, but that we, meaning himself and unknown party or parties, must get the best of them. Deputy Collector Davis, in the office, also reported to me that during Tuesday afternoon, shortly after we left the collector's office, Mr. Daniels came to the office very much excited, and wanted to know what was going to be done about the whisky in Freeze's warehouse, making the statement at the time that it belonged to him. Accompanied by Deputy Collector Stockton we again visited the distillery, supposed to belong to Freeze, to ascertain if the reports we had heard were true. We found the stills and caps removed, leaving the worms in the tubs. On looking through the cracks in the warehouse, we found that the whisky had also been removed. Upon careful examination of the warehouse lock, we found it in the same condition as upon our visit when accompanied by Storekeeper and Gauger Sharpe, showing conclusively that the whisky had been removed by some one who had possession of the warehouse key. Upon further inquiry on our return, we ascertained from Deputy Collector Collyer that the key was in possession of W. G. Bogle, storekeeper and gauger, previous to that day, and that his book showed that said key was delivered to said Bogle about three weeks ago, but was returned by him that morning, October 26. W. G. Bogle was at the date of procuring key, and up to October 26, storekeeper and gauger at distillery of W. A. Daniels, No. 1003. We visited Mr. Bogle at his distillery, and asked him in relation to said key. He at first denied all knowledge of it to me, saying that he had never had it in his possession. Upon asking him it happened that it was returned by him at the office that same morning, he answered at once that he was mistaken in saying he never had had it, but only had it that once, and under the following circumstances: Mr. Daniels came to him that morning, as

he was about ready to start to his distillery, and asked him if he was going to the collector's office before going out. Bogle answered he was not, but could if Daniels wished him to. Daniels then said he had the key to Freeze's distillery warehouse, and asked Bogle to return it to the collector's office. Mr. Bogle at once complied with his request.

Upon further questioning, Mr. Bogle further admitted that he had made two withdrawals during the last three weeks from Freeze's warehouse under direction of Mr. Daniels. Mr. Bogle said he asked Mr. Daniels if he had the key; Mr. Daniels said yes. Mr. Daniels unlocked the warehouse for Mr. Bogle, and after withdrawal was made Mr. Daniels locked up the warehouse, retaining key in his possession. I directed Deputy Collector Coite to send for Storekeeper and Gauger Bogle. He at once did so, and sent Storekeeper and Gauger Summers to take his place. I then directed Mr. Bogle to come to the office, there confronted him with Deputy Collector Collyer, in presence of Deputy Collector Coite, chief in charge. I then asked Mr. Collyer who he gave the key to Freeze's warehouse to. He said, Mr. Bogle. I asked him if he was sure of it. He said yes, showing as evidence his book with memorandum that key was delivered to Bogle. Mr. Bogle denied it entire, saying again that he never had the key until it was given him by Daniels that morning, October 26. I asked Bogle who had the key at the time he made the withdrawals for Daniels. He said that Mr. Daniels had it; that Mr. Daniels unlocked the door, and that after withdrawal Mr. Daniels locked the door and retained the key in his possession. I then said to Mr. Collyer, you and Mr. Bogle differ very much in your statement as to who had possession of this warehouse key. Mr. Collyer still insisted that he gave it to Bogle. Deputy Collector Coite then made the following suggestion to Mr. Collyer, saying that "Mr. Collyer, don't you mean that you gave the key to Daniels for Mr. Bogle, thinking they were for Mr. B., as he was present at the time? Did you not give it to Mr. Daniels, thinking he would hand it to Mr. Bogle, and that it would be returned to the office as soon as withdrawal was made? You don't mean to say that you gave it to Mr. Bogle, but that you gave it to Mr. Daniels." Mr. Collyer hesitated somewhat in replying, saying, "Yes, I think that was it; yes, that was it." I then asked Mr. Collyer if it was such a common thing for him to give keys to distillers direct that he was so uncertain in this case. He hesitated somewhat in answering, but said, "No; but what Mr. Coite says about this case must be the way it happened." Mr. Bogle admitted to me that he told me a lie about the key at first, saying he was willing to tell a lie, if not too big a one, to avoid being a witness or otherwise implicated in this case. I then said to them, "Gentlemen, now let me see if I have the sense of your *joint* meaning, viz: That Mr. Daniels, a distiller, came to this office between two and three weeks ago, and got the key to the warehouse of Q. D. Freeze, and retained it in his possession from that time until this morning; and that in the mean time the stills and all the whisky in Q. D. Freeze's warehouse have been stolen; and that this morning Mr. Daniels handed the key to Mr. Bogle, who returned it to this office; and that it would appear from this that in the first place Mr. Daniels was a messenger from Bogle, and, in the second place, that Bogle was a messenger from Daniels, returning the key; am I to understand you this way, gentlemen?" They all acknowledged that my understanding was correct.

We begun search for the missing stills and whisky at once, first getting out a warrant for arrest of Q. D. Freeze, and a search-warrant for premises of W. A. Daniels, near the distillery of Q. D. Freeze. Deputy Collector Stockton got out the search-warrant at my direction, and accompanied us that afternoon to examine the buildings, but nothing was found that afternoon. As the case seemed to implicate several parties including officers, I thought best you should be present, and accordingly telegraphed you to come to Statesville. The next morning in your company I drove to Freeze's distillery, and found at the distillery one J. C. Barclay, a bondsman of Q. D. Freeze. Upon information obtained of him we returned to Statesville, got out another search warrant, and, accompanied by Mr. Crawford and a storekeeper and gauger by name of T. A. Gill, returned to further examine the buildings and ground of W. A. Daniels. By using iron rods in probing the ground in a freshly plowed field near the house, we were soon rewarded by finding the whisky buried in a gully running through the ot at various depths under ground. We discovered there seventeen packages out of the nineteen that the warehouse books showed were in the warehouse. The seventeen packages contained seven hundred and thirty gallons of spirits. We procured teams and had the seventeen packages removed to Statesville and stored in a cellar used for such purposes under the collector's office. The same day the tax was paid on all of the spirits stored in the two warehouses belonging to the two distilleries that were run in name of W. A. Daniels, viz, Nos. 646 and 1003. Said spirits were removed to Statesville, and stored in the warehouse of Pinkus & Co. Soon after its arrival there, we went in and caused its detention, having reason to believe that Daniels was the real owner of Freeze's distillery, and that Freeze was simply a figure-head. We feared a rescue of the spirits might be attempted, but up to the time of your leaving on the midnight train to return to Greensboro' nothing had been attempted.

The next morning I went to the collector's office and directed Deputy Collector Coite

to seize the two distilleries of W. A. Daniels, Nos. 646 and 1003, as well as the nine packages of detained spirits in warehouse of Pinkus & Co., detained by us last night. He at once took steps to do as I requested, and seized the following property: 6 copper stills, caps, piping, and fixtures; 3 barrels spirits (about 60 gallons); 1½ barrels gin; ½ barrel spirits (about 10 gallons). (The 3½ barrels spirits and 1½ barrels gin were found in an outhouse in rear of dwelling-house on Daniels' premises near the distillery.) Ten bushels rye and fifteen bushels of meal in the distilleries; 480 gallons of beer and 60 gallons singlings destroyed. During the forenoon J. C. Barclay, the heretofore-mentioned bondsman of Q. D. Freeze, came to my room and said he knew where Freeze was and could produce him at any time. At my suggestion he went to Freeze and advised him to surrender himself to the commissioner. Freeze did so, and is held in $250 bail for his appearance on the 28th day of November. The date was fixed at November 28 to give me time to work up further evidence against Daniels, and also to suit convenience of district attorney, who I understand will be engaged at Asheville court until about that time. I then proceeded to get out a warrant for the arrest of W. A. Daniels. In examining his house in Statesville for him we found the following property: 4 copper stills and fixtures complete; 2 extra worms; 1 pump and piping; 3 separators.

Two of the above stills are evidently the ones stolen from Freeze's distillery, as one of them was wet inside and had meal sticking to the sides, showing recent use. The above goods were seized by Deputy Collector Coite at my suggestion. Accompanied by the deputy marshal, who had the warrant, we proceeded on our search for W. A. Daniels during the afternoon, but did not succeed in finding him. Upon examining report of appraisal of the 17 packages of spirits found buried on premises of W. A. Daniels, I found value placed at 20 cents per gallon above tax. I thought that too low according to present market value of the goods, and so told Mr. Coite. He insisted that it was a fair valuation and was not inclined to have it changed. I did not argue the matter with him, but gave him to understand that I did not think it a fair valuation. When he furnished me a copy of appraisement at my request I found that appraisement had been changed to 40 cents per gallon above tax instead of 20 cents. The copy of said second appraisement is herein inclosed. After above developments, upon visiting the collector's office we were shown by Deputy Collector Coite a copy of a statement made by W. A. Daniels evidently for the purpose of clearing Storekeeper and Gauger W. G. Bogle from complicity in above matter. Said copy I herein inclose. I have no confidence whatever in W. G. Bogle as storekeeper and gauger, and believe he has been acting as a spy upon our movements in interests of W. A. Daniels, and would respectfully recommend his immediate removal. W. P. A. White, storekeeper and gauger at distillery No. 646 of W. A Daniels, is a brother-in-law of said Daniels. While I have no evidence of his complicity in helping to remove the whisky from Freeze's warehouse, yet from remarks made by him am led to believe that he knew of its removal at the time and also knew of its whereabouts. I would respectfully request also in his case immediate removal from duties as storekeeper and gauger. The witness to statement made by Daniels relating to key of warehouse of Q. D. Freeze herein inclosed is also a brother-in-law of W. A. Daniels.

Throughout above transactions I have received valuable information and aid from Storekeeper and Gauger T. A. Gill, now unassigned to duty. I believe him to be a faithful and efficient officer, and would respectfully recommend his immediate assignment to some distillery now in operation. Mr. Gill's name will again appear in a report I am about to make relating to bargains between the distillers and storekeepers and gaugers of this district.

By to-morrow morning I expect to have evidence upon which I can direct seizure of the teams that were used in removing spirits from Freeze's warehouse if they are to be found.

Very respectfully,

EDWARD McLEER,
Revenue Agent.

EXHIBIT O.

UNITED STATES INTERNAL REVENUE,
Greensboro', N. C., October 28, 1881.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.:

SIR: I have the honor to report that on Monday, the 24th instant, I visited Raleigh, N. C., intending to proceed from there to New Berne for the purpose of attending United States court as a witness. But at Raleigh I ascertained that the district judge was sick and that there would be no court in New Berne this term. So, after assigning Revenue Agent Harrison to duty in the fourth district, I returned to this city

Tuesday night. When about starting for Winston to finish the investigation of the case against Deputy Collector Johnson, I received a telegram from Revenue Agent McLeer, at Statesville, asking me to come there at once on important business. Accordingly, I started, arriving there at 3 a. m. yesterday. I learned from Mr. McLeer that on Tuesday last he and Mr. Crawford, who are on duty in the sixth district, visited the distillery of Z. D. Freeze, No. 1773, two miles from Statesville, sixth district North Carolina, and found Mr. Freeze engaged in making a mash at his distillery, which at the time was under suspension. I would state that Freeze is only a figurehead for W. A. Daniels, who is also the owner of three other distilleries in the vicinity of Freeze's. After making the discovery above alluded to, Revenue Agent McLeer and Mr. Crawford at once proceeded to Statesville to report the facts to Chief Deputy Coite (Collector Mott being absent). They were unable to see Mr. Coite, so no action was taken that day. On Tuesday night the stills were removed from the distillery, the mash run out, the warehouse entered, and nineteen barrels eight hundred and five gallons of spirits stolen. Search was made all day Wednesday for the stolen spirits, but without result. Yesterday morning right after breakfast Revenue Agent McLeer and myself visited Freeze's distillery and made a careful inspection of the premises and warehouse. From wagon and mule tracks, together with what little information we could gather as to the time of the occurrence, we came to the conclusion that the spirits could not have been moved a great distance on the night that it was stolen, and we determined to make another search of premises which had been searched the day previous. We accordingly returned to Statesville, where we procured a search-warrant and two iron rods for sounding the ground, and after dinner returned to the suspected premises, within a quarter of a mile of Freeze's distillery. After searching the barns and outhouses without discovering anything, we commenced the search of a new plowed field, and by the use of the iron rods in less than half an hour after our arrival we found seventeen barrels of the stolen spirits in the middle of this field, there put under ground. We dug it out, and just at dark last night stored it safely in the store-room under Collector Mott's office. The premises on which this stolen spirits was concealed are owned by W. A. Daniels, the distiller, and whom I am prepared to prove was the real owner of Freeze's distillery, and who removed with his own wagons and teams, and concealed on his own premises, the spirits stolen from Freeze's distillery. We made diligent search for the two missing barrels, but were unable to find them, and I have reason to believe that the two packages of spirits were stolen by Daniels previous to the visit of Revenue Agent McLeer and Mr. Crawford. For it now appears that on the 28th of September Daniels went to the collector's office for the purpose of withdrawing one package of spirits from the distillery warehouse of Z. D. Freeze, and at that time the key of Freeze's warehouse was delivered to Daniels, and said key was not returned to the collector's office until Wednesday morning, October 26, after the spirits had been stolen, when Daniels, in front of the collector's office, handed them to Mr. Bogle, a storekeeper at one of his distilleries, who returned them to the office. The warehouse of Freeze had not been broken open, but had been entered by removing the government lock with the use of a key, and after the spirits had been stolen the warehouse door had been closed and locked. Last evening, while we were busy digging up the stolen spirits, I noticed that tax-paid spirits were being taken from one of Daniels's warehouses, and before we had finished loading the last of the stolen spirits on wagons the last of nine barrels of spirits in two of Daniels's warehouses near by had been tax paid and were being loaded on wagons.

Revenue Agent McLeer and myself followed this spirits into Statesville, and failing to find Deputy Collector Coite, we detained the nine packages in possession of Pickers & Co., Statesville, and I instructed Revenue Agent McLeer to request the seizure of these spirits under section 3281 Revised Statutes. It was reported last night at Statesville that Mr. Daniels had run away. A warrant has been issued for the arrest of Freeze, who has left for parts unknown, and a warrant will be issued this morning for the arrest of Daniels. A full and more detailed report will be forwarded you as soon as received from Revenue Agent McLeer.

Very respectfully,

A. H. BROOKS,
Revenue Agent.

P. S.—Since writing the above, I have received a telegram from Revenue Agent McLeer, stating that he has this day searched the residence of W. A. Daniels, distiller, and found in the cellar of his house four stills and caps, six worms, and other materials, and secured evidence identifying one of the stills removed from Freeze's distillery Tuesday night.

Very respectfully,

A. H. BROOKS,
Revenue Agent.

EXHIBIT P.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT NORTH CAROLINA,
Statesville, N. C., October 27, 1881.

I hereby certify that I had the keys of distillery No. 1773 of Q. D. Freeze, and that when W. G. Bogle tax-paid two barrels of spirits in warehouse of said distillery, I retained said keys and did not hand them to W. G. Bogle until the morning of the 26th of October, 1881, about 8 o'clock a. m.

W. A. DANIELS.

Witness,
W. C. MORRISON.

UNITED STATES INTERNAL REVENUE,
Greensboro', N. C., October 31, 1881.

HON. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.:

SIR: Referring to my letter of the 28th instant, reporting frauds discovered in the 6th district of North Carolina, and the recovery of seventeen barrels of spirits stolen from the distillery warehouse of Q. D. Freeze, on Tuesday night, October 25, I have the honor to transmit herewith report of Revenue Agent McLeer, this day received, giving a detailed account of the frauds discovered, and of property seized. I also transmit copy of a certificate filed in the office of the collector of the 6th district, on October 27, 1881, by W. A. Daniels, distiller, certifying that he had the keys of Freeze's distillery warehouse in his possession, at the time said distillery warehouse was robbed of its contents.

Very respectfully,

A. H. BROOKS,
Revenue Agent.

EXHIBIT Q.

MOUNT STERLING, IREDELL COUNTY, *November* 1.

Mr. PHILLIPS:

MY DEAR SIR: As you were a friend of my father, the late Chief Justice Pearson, I take the liberty of writing to you of an indignity which I have been called upon to suffer at the hands of United States officers. I will prepare what is to follow by saying that as soon as the war was over I felt it best that we should have peace, and I have always defended the general government, and I assure that such conduct on the part of government officials tends to keep alive the feeling which all of us so much deplore. A man named McLeer, from Burkley, and another named Crawford, from Chicago, are in this country as special detectives or agents. Soon after they came they seized a distillery about four miles from where we live. In it were 18 barrels of whisky. A night or two after it was seized the whisky was stolen, and was found, by the report of a man who was on the bond, *buried* in the *ground* with wheat sowed over it. Just after it was found the man, whose name is Daniels, ran away. Imagine my astonishment at having McLeer and Crawford, with a deputy marshal, named Ayrs, come to my house and say that they had information that Daniels was concealed on our premises and that they had come to search the house to find him. I told them that Daniels had never been in the house or even in the yard; that I had, four or five years ago, sold him 25 bushels of corn, and that he still owed me $2.50 of the money; that further than this I knew nothing of him, and that they must have been misinformed and were mistaken in the place. They said no; that they knew it was the place. Mr. Davis then came up, after speaking very angrily about it to them, he asked who had sworn out the warrant. McLeer said that he had. I then said let them search. I am very anxious to prosecute them, but have delayed having the papers served to give them an opportunity of apologizing. If they do no not do so I will have such reparation as the courts can give.

Both the commissioners in Statesville say that they issued no warrant to the men, and you will readily see what a high-handed act they have been guilty of; and I will take it as a great favor and an act of justice if you will lay this matter before the Secretary of the Treasury. I feel that the government have only to know of such conduct, and that a speedy dismissal of the men will follow. The idea that my father's daughter should be accused of harboring a *thief* is a new one in North Carolina, and I feel that I can appeal to you as my father's friend to let the matter be known in

official circles. I have been entirely Republican in my views, and Mr. Davis has for several years voted the Republican ticket. I could have borne the insult better if it had been offered by *Democrats*. I am sorry to have to write you of such an outrage in North Carolina. I never had an interest, directly or indirectly, in whisky or tobacco. Mr. Davis has been for several years a revenue storekeeper, and was, for a short time, at one of Daniels' distilleries, but this was at least three years ago, and can have no connection with the matter. With regrets for having to trespass on your valuable time, and hoping you will attend to this matter for me,

I am, with high respect, yours,

MARY DAVIS.

I have felt that it would be better to write to you than to either of the Senators, and I feel satisfied that the United States Government will not allow such an outrage on an unoffending citizen to go unpunished.

Please let me hear from you at your earliest convenience. My brother, Mr. Pearson, will, I think, write you soon on the subject as soon as I can see him.

EXHIBIT R.

STATESVILLE N. C., *November* 2.

Hon. GREEN B. RAUM:

MY DEAR SIR: There are in this country at present two United States officers who have treated me with great indignity. I have papers ready to bring suit against them for damages, but have decided to hold the matter for a short time, and, upon proper apologies from them, to withdraw the matter altogether. In the mean time I have decided to lay the matter before you, feeling assured that the United States Government does not wish to oppress any of its citizens. Mr. McLeer and Mr. Crawford seized a distillery about four miles from where I live. In it were eighteen barrels of whisky; a short time after it was seized the whisky was stolen out at night and found by the officers, on information of a man who was on Daniels' bond. Daniels, who is a man of general bad character, ran away. After he went off, of course, they made rigid search for him. Imagine my surprise when they came to my place and said they were searching for Daniels and had information that he was concealed in our house and they had come to search the premises. I told them they must be mistaken, as the man had never been in the house or even in the yard; that four or five years ago I had sold him twenty-five bushels of corn, and that he still owed me $2.50 of the money. They said they were not mistaken and they intended to search the house. I said very well. Just then Mr. Davis came up; he spoke to them very angrily, and said he would like to know who had sworn out the warrant. McLeer said he had. They then made a sham search. If they believed they ought to make the search, they deserve punishment for the kind of search they made. Both the commissioners in the town say that they issued no warrant to them, so they acted upon their own responsibility. Such things as this help to keep up the feeling that is so much to be deplored between the sections, and I make this statement to you feeling assured that you will give no countenance to such high-handed actions. For my position, I am the daughter of the late Chief Justice Pearson, of North Carolina, than whom no man was ever more loyal both to State and general government. I refer you to the Hon. S. F. Phillips, solicitor-general; Hon. Thos. Settle; Hon. R. P. Dick, judge of the circuit court; both the Senators, and all the members from North Carolina; the governor and state officers of North Carolina; the supreme court of North Carolina; in fact, for my character and standing, I can refer you to any prominent man in the State, in either party.

I will be glad to hear from you, and I feel satisfied that the ear of the government can be always reached by the humblest of her citizens. Being sorry to have to transgress upon your time, and trusting that you will give me any redress that may be in your power, I am sir,

Very respectfully, yours,

MARY DAVIS,
Statesville, N. C.

EXHIBIT S.

DEPARTMENT OF JUSTICE,
Washington, November 4, 1881.

General RAUM,
Commissioner of Internal Revenue:

MY DEAR SIR: I submit the inclosed note for your inspection. I do not personally know Mrs. Davis. I have known *of* her, and that she is a lady—a daughter of the

late Chief Justice Pearson, of North Carolina, to whom the *peace of the country* is greatly indebted since 1865. I beg that you will (and have no doubt that you will) look into this matter.

Very sincerely yours,

S. F. PHILLIPS.

EXHIBIT T.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, November 4, 1881.

ED. MCLEER, Esq.,
Revenue Ayent, Statesville, N. C.:

SIR: I inclose copy of a letter received from Mrs. Mary Davis, of Statesville, N. C., and of my reply thereto.

Please make a full report in regard to her case; by what authority you entered her premises, and what occurred there.

While it is of importance that the laws shall be enforced, the utmost care must be observed to avoid encroaching on the rights of innocent persons, and, if you have made a mistake in this matter, it will be proper for you to see Mrs. Davis and explain everything to her, and satisfy her that there was no intentional wrong.

Very respectfully,

GREEN B. RAUM,
Commissioner.

EXHIBIT U.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, November 4, 1881.

MRS. MARY DAVIS,
Statesville, N. C.:

MY DEAR MADAM: I acknowledge receipt of your letter of the 2d instant, and have given the same personal attention.

Revenue Agent McLeer has been in the internal-revenue service a number of years. I have found him to be a man of good judgment and discretion. I regret to find you expressing an opinion adverse to this. I will call upon Mr. McLeer for a report in regard to his visit to your house, and furnish you with a copy of his statement.

My aim is to have the laws observed and enforced. No officer is authorized to infringe upon the rights of a citizen. If officers violate the law it necessarily will produce dissatisfaction in the minds of citizens.

The frauds of Freeze and Daniels were such as to require prompt punishment. If Mr. McLeer, in his endeavor to enforce the laws against these parties, has overstepped the bounds of propriety in regard to you and your premises, you are entitled to reparation as public as was the encroachment upon your privacy.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Since writing the above your letter to Hon. S. F. Phillips has been shown me.

G. B. R.

EXHIBIT V.

UNITED STATES INTERNAL REVENUE,
Charlotte, N. C., November 6, 1881.

Col. A. H. BROOKS,
Revenue Agent, Greensboro, N. C.:

SIR: I have the honor to report further evidence and transactions as follows, in case of W. A. Daniels and Q. D. Freeze.

Saturday evening Mr. J. M. Sharpe called upon me in relation to the affairs of W. A. Daniels, giving as reason for his interest in said affairs that he and his brother, W. T. Sharpe, were the actual owners of distilleries 646 and 1003 operated by W. A. Daniels, also that Sharpe Bros. owned the stock fed at the two distilleries. He further

stated that they owned three distilleries in that locality, two of them as above, the third about half a mile beyond those two. As that corresponds with the position of distillery run in the name of Q. D. Freeze, it was no doubt the one he meant as the third distillery owned by Sharpe Bros., although as soon as he realized what he had said, took the trouble to say that the distillery seized, No. 1773, was not the third one owned by them, and that he knew nothing whatever of 1773. Upon being asked how many distilleries there were in that locality, within a half a mile of each other, he at first said three, but immediately corrected himself and said four, the three owned by Sharpe Bros. and the one operated by Q. D. Freeze. I could find only the three, 1773, 646, and 1003, and am satisfied that Mr. Sharpe said four in order to cover up the blunder made, by admitting that Sharpe Bros. owned all three of the distilleries, 646, 1003, and 1773. I took no apparent notice of his blunder, but continued talking with him about the case in question. He said further that Daniels rented this third distillery from Sharpe Bros., as well as 646 and 1003; that Daniels was operating three distilleries; that Daniels was the man who paid them the last rent for the third distillery; also that the third distillery had been under suspension since last spring.

On Monday morning, October 31, W. A. Daniels came in and surrendered himself before the United States Commissioner, waived examination and gave bond of $500 for his appearance at the next term of court, J. M. Sharpe becoming his bondsman. Before he came in, however, his friends had been to see the Commissioner to learn the amount of bond that would be required. The Commissioner told them $500. I remonstrated with him for taking bond for such a small amount in this case, as, in my opinion, it should have been $2,500 at least, but could not get amount changed as he said amount was large enough to hold him.

We have received much valuable aid and information from Jno. C. Barclay, one of the bondsmen of Q. D. Freeze, also the names of several parties who could give us more. The names of those parties and the facts they are familiar with are as follows:

Cal. Goyle (colored) says he works for Wesley Nicholson, near Statesville. Before day, on the morning of October 26, saw W. A. Daniels, Scott Gay (colored), the two distillers from 646 and 1003, and another person whose name he did not know, working near the house in the lot where the whisky was buried. This information was given Deputy Collector Stockton by Wesley Nicholson, now one of the special force recently appointed in Collector Mott's district. Daniel Coal, who lives about 9 miles from Statesville, on the Charlotte road, was passing by the premises of W. A. Daniels the morning of October 26, before sunrise, saw Adolphus Bolles (regular distiller at 1003), Scott Gay (teamster), and Newton White (son of W. P. A. White, S. & G.), plowing in the field where the whisky was buried. Monday afternoon, October 31, on calling at the house of Jno. C. Barclay we met Q. D. Freeze, who related to us the following facts, with the distinct understanding that any information so given was given of his own free will, uninfluenced by promises of any kind from any quarter. Mr. Freeze said that W. A. Daniels owned and run distillery 1773 under the name of Q. D. Freeze; that he had worked for Mr. Daniels since the distillery was built for $20 per month, boarding himself; that all the interest he had of any description in distillery No. 1773 was the salary of $20 per month; that Daniels bought all the meal and other materials used in the distillery.

That he (Freeze) had nothing to do with the removal of the whisky, and knew nothing about it until after it had taken place. The next day after the whisky was stolen Daniels came to him and made a proposition that both run away. Daniels remarked to him, "if those men can't find the whisky to-day it will be fixed." Mr. Call, a neighbor, and Jno. C. Barclay were present when Daniels remarked to Freeze, "if we can hold this whisky now we can beat them." Considerable evidence of lesser importance, not embodied in either of my reports on these cases, can be produced in court when needed.

Very respectfully,

EDWARD McLEER,
Revenue Agent.

EXHIBIT W.

STATESVILLE, *November* 7.

General RAUM:

MY DEAR SIR: Your kind letter has just been received, and I assure you it gives me great pleasure to find that the government is all that I have claimed for it, and that it is only necessary to make complaint to have the matter investigated. I had employed two lawyers, and affidavit was made and all was ready for serving the warrant. I shall, through Dr. Mott, notify the *men* that if they will write an apology and pay the lawyers, &c., in all probably about $25, that I will be satisfied. I will then publish the whole thing including your letter and Mr. Phillips', and I assure you I will feel in a great measure repaid for my trouble, which has been great, if this matter is

the means of showing this community that the United States Government not only does not encourage (as many believe) the oppression of its people, but that they have only to complain and the matter will be investigated. I am sorry now that I did not just write to you instead of taking legal steps against them, but I felt that I must have redress. There is no one who condemns more than *I* do, and have always done, any irregularity, and I have no doubt but that Daniels and the other man are both guilty, but Mr. McLeer in his zeal should be more careful, and at least have *some* grounds for his suspicions before he accuses a lady of concealing a *thief*. None regret more than I do all conflicts between the State and general government officials, but if you will take this matter home to yourself, you will see that the insult was very great. Hoping, my dear sir, that this thief and all others who defraud the government may meet with their just deserts, and that all who are imposed upon may have such men as you and Mr. Phillips to apply to,

I am, with respect, very truly yours,

MARY DAVIS.

EXHIBIT X.

UNITED STATES INTERNAL REVENUE,
Greensboro', N. C., January 18, 1882.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.:

SIR: Referring to your letter of the 16th instant, initials O. F. D. Ch. and W. T. C inquiring what has been done in the case of Q. D. Freeze and W. A. Daniels since your letter to me of the 4th instant, I have the honor to report that I have not received the letter referred to. There has been no further action taken since Daniels and Freeze were held for the action of the United States court. We have procured additional evidence against Daniels, and I am satisfied we shall be able to convict him. I have the honor to transmit herewith copy of form (117) on file in the United States attorney's office here, in regard to the seizure of nine packages of spirits, removed October 27, from W. A. Daniels's distillery warehouses while we were engaged in digging up the 17 barrels of spirits stolen from Freeze's warehouse by Daniels, on the night of October 25. The form (117) on file in the United States attorney's office is in Chief Deputy Coite's handwriting. I would especially call your attention to the pains taken to prepare the defense in this case.

Very respectfully,

A. H. BROOKS,
Revenue Agent.

UNITED STATES INTERNAL REVENUE,
Greensboro', N. C., November 11, 1881.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.:

SIR: Revenue Agent Brooks requested me to come to Greensboro' the latter part of this week to see if any mail had arrived requiring attention during his absence. Among the mail I find two reports of mine relating to matters in the sixth district, North Carolina, which I herein inclose to you, retaining copies for perusal of Revenue Agent Brooks.

Yours, very respectfully,

EDWARD McLEER,
Revenue Agent.

EXHIBIT Y.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, D. C., November 12, 1881.

Mrs. MARY E. DAVIS,
Statesville, N. C.:

MY DEAR MADAM: I have received the report of Revenue Agent McLeer of the circumstances attending his visit to your house with a warrant for the arrest of W. A. Daniels.

It seems that the agent acted upon what he subsequently learned to be misinformation, and that there were some misunderstandings all round. Mr. McLeer assures me that it was not his intention to act in such a manner as to give either you or Mr. Davis

cause of offense, and that, finding he has done so, he has tendered you a letter of full apology.

I trust this will be satisfactory, and that you will never again be subjected to similar annoyance. Regretting that the necessity should have arisen for this correspondence,

I remain, madam, yours, respectfully,

GREEN B. RAUM,
Commissioner.

EXHIBIT Z.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, November 16, 1881.

A. H. BROOKS, Esq.,
Revenue Agent, Greensboro', N. C.:

SIR: It seems that in the effort to arrest W. A. Daniels, after the discovery of the fraudulent proceedings at his distillery, Revenue Agent McLeer visited the house of Mrs. Mary Davis, a respectable and well-connected lady near Statesville, and, acting upon misinformation, made some sort of a search in the expectation of finding Daniels concealed on the premises. Mrs. Davis made complaint to me, directly, and also through Solicitor-General Phillips, of the conduct of Mr. McLeer, and I forwarded a copy of her letter to Revenue Agent McLeer requesting his explanation and report. McLeer forwarded me his statement of the facts, together with a copy of a letter of apology, which he said he had already tendered Mrs. Davis and her husband; on receipt of which I wrote to Mrs. Davis expressing a hope that the matter had been satisfactorily adjusted.

Mrs. Davis, however, does not appear to be satisfied, and demands a public apology and the payment of $25 for lawyer's fees. There seems to be some discrepancy between her statements and those of Revenue Agent McLeer as to what actually occurred. I inclose Revenue Agent McLeer's report and Mrs. Davis's last letter to me, and would be glad if you would look into the matter, and give me your report and recommendation on the facts as found by you.

Very respectfully,

GREEN B. RAUM,
Commissioner.

EXHIBIT AA.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, December 6, 1881.

Hon J. J. MOTT,
Collector, Statesville, N. C.:

SIR: Some weeks ago I verbally called your attention to the complaint made by Mrs. Mary Davis, living near Statesville, of the conduct of Revenue Agent McLeer, who went, in company with Deputy Marshal Ayrs, to aid in the arrest of W. A. Daniels, who was supposed to have taken refuge at the house of Mr. E. H. Davis, the husband of Mrs. Mary Davis.

The facts stated to me are that when inquiry was made as to whether Daniels was at the house the question was asked by Mr. Davis as to who had sworn out the warrant, McLeer answering that he had. It seems that Mrs. Davis, supposing that it was a search-warrant, stated to the officers that they were at liberty to search the house for Daniels, and that under this authority they entered her house. It is not claimed that any trespass was committed, either upon the person or property of Mr. or Mrs. Davis, or that any offensive language was used towards them.

Under this state of facts Mrs. Davis insists that I shall condemn the acts of these officers as unlawful, and pay her twenty-five dollars to remunerate her for certain attorney's fees that she claims to have incurred in respect to the case.

I have written Mrs. Davis assuring her that there was no disposition on the part of the office here to have the officers go beyond their strict line of duty.

Revenue Agent McLeer has written her a letter which I consider an ample apology. In my judgment she has no cause of action, and there is no appropriation out of which I could pay her the twenty-five dollars she demands. I think that she is entirely too punctilious in this matter.

Please inform Storekeeper and Gauger E. H. Davis that if he cannot control the ac-

tion of his wife in this matter, I will deem it my duty to revoke his assignment, and to request the Secretary of the Treasury to revoke his commission.

Very respectfully,

GREEN B. RAUM,
Commissioner.

EXHIBIT BB.

MOUNT STERLING, *December* 15.

General RAUM:

MY DEAR SIR: I have waited patiently to hear from you, and have concluded to write again, as I wish to have this very unpleasant matter definitely settled before we begin the new year. If I find it necessary to resort to the courts for redress from a most unjustifiable outrage, I shall hand for publication to the papers in the State an account of the whole matter; also the correspondence that has passed. If Mr. McLeer had had a search-warrant for the premises, I should have made no complaint, and I cannot believe that you can consider that the warrant for Daniels gave him any right on *my premises*, and, as I told Mr. Brooks, "when a man, who I have reason to suppose is in authority and knows what he is doing, comes to my house for any purpose whatever, I will make no resistance," and must depend for redress upon the courts. McLeer's conduct since has proved how entirely unworthy of *belief* he is, and I must say that I am much disappointed to find that the matter seems to be at a standstill. The points which I make are that McLeer, without a warrant, searched my house for a criminal, and that since the matter he has misrepresented the facts, and that his writing in a letter, which Mr. Brooks showed me, that if I considered myself aggrieved, &c., &c., had added insult to injury, and shows that, besides being a violator of the law in trying to cover up what he has done, his conduct proves that he is not fit to hold any position of trust. Really, it is more like Nihilist Ruina than Leer Anima, and what more fruitful theme could my *Democratic friends* have than that I should have been so treated in the *house* of my *friends*. I cannot tamely submit to such an indignity, but I assure you it will give me pain if I shall have to show that the government will sustain an official in such conduct. The apology must say that *without* a *warrant*, and under a misapprehension, they made the search, and the expense paid, or the whole thing will be made public, first in the papers and then in the courts. Tardy justice burns much of its fire, and I feel that I have been very badly treated. McLeer's subterfuge about meaning the warrant for Daniels, when asked who swore out the warrant for them to come here, and he said "*I* did," is quite in keeping with his other conduct, and shows what *he is*. Then their threats against my husband, which I heard of after I last wrote you, show what they will resort to to conceal their conduct, as if *I do not* know that the government does not expect a man to keep a position by *submitting* to *insult*. I am quite sorry to have been forced to intrude again upon your time, and I trust that you will write at once and let me know if I am to be forced into the courts for redress. One of my lawyers, Colonel Armfield, is in Washington, a member of the House, and I will be glad for you to see him, as he can tell you how *we*, in this country, regard such an insult, and also that it is not usual for such indignities to be offered. Hoping to hear soon from you, I am, with high respect,

Truly yours,

MARY DAVIS.

EXHIBIT CC.

GREENSBORO', N. C., *February* 14, 1882.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.:

SIR: Referring to yours (O. F. D.) of the 17th ultimo, in relation to proceedings against Q. D. Freeze and W. A. Daniels, both of these parties have been arrested and bound to April term, 1882, of the district court at Statesville. As reported by Revenue Agent Brooks, the charges preferred are for violations of sections 3284, 3259, 3268, 3296, and 3327.

The facts furnished by Mr. Brooks, if sustained by the testimony of the witnesses named, are strong enough to support the charges. Daniels has filed claim and bond for the spirits seized, and the collector has transferred the papers to me for libel.

Respectfully,

JAS. E. BOYD,
United States Attorney.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 84.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Copies of reports from Maj. J. W. Barlow, Corps of Engineers, upon surveys made of harbor of Madison, Connecticut; harbor of Clinton, Connecticut; Greenport Harbor, New York; harbor of Mamaroneck, New York; for a breakwater and harbor of refuge at Milford, Conn.;

FEBRUARY 2, 1882.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, February 1, 1882.

The Secretary of War has the honor to transmit to the United States Senate, for the information of the Committee on Commerce, a communication from the Chief of Engineers, dated the 31st ultimo, covering copies of reports from Maj. J. W. Barlow, Corps of Engineers, upon surveys made in compliance with requirements in the river and harbor act of March 3, 1881, as follows:

1. Harbor of Madison, Connecticut.
2. Harbor of Clinton, Connecticut.
3. Greenport Harbor, New York.
4. Harbor of Mamaroneck, New York.
5. For a breakwater and harbor of refuge at Milford, Conn.

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT *pro tempore*
of the United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 31, 1882.

SIR: I have the honor to submit herewith copies of reports to this office from Maj. J. W. Barlow, Corps of Engineers, of the results of surveys made under his direction to comply with requirements of the river and harbor act of March 3, 1881, at the following localities, viz:

Harbors of Madison and Clinton, Connecticut.
Greenport Harbor, New York.
Harbor of Mamaroneck, New York.
For breakwater and harbor of refuge at Milford, Conn.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

SURVEY OF MADISON HARBOR, CONNECTICUT.

ENGINEER OFFICE, U. S. ARMY,
New London, Conn., January 17, 1882.

GENERAL: I have the honor to submit the report upon the examination and survey, and estimates of cost of improvements proper to be made at Madison Harbor, Conn., authorized by act of Congress approved March 3, 1881. This work was placed in my charge by letter of the Chief of Engineers, dated March 21, 1881.

The survey was made under my direction by Mr. H. N. Babcock, assistant engineer. His report, together with a map of the locality, is presented herewith.

The improvement desired is the formation of an artificial harbor to afford shelter to one of the landings of the village of Madison, and to serve as a harbor of refuge for general commerce, much stress being laid by those advocating the measure upon the latter consideration.

The location of the works would be about 13 miles west of the mouth of the Connecticut River, and there being but little natural protection, a breakwater covering the position through an arc of nearly 180 degrees will be required.

In locating the lines of breakwater, as shown upon the accompanying map. advantage was taken of the position of several sunken rocks, over which the lines are carried, eliminating these rocks as obstacles to navigation, and somewhat cheapening the cost of the breakwaters.

It is believed that this plan, if carried into effect, will afford all local protection asked for, and serve the needs of such general commerce as may be likely to use it.

In response to inquiries for statistics relating to the commerce of Madison, no information has been obtained.

The total cost of the improvement, the details of which are given in Mr. Babcock's report, is $285,000.

Respectfully submitted.

J. W. BARLOW,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. HENRY N. BABCOCK, ASSISTANT ENGINEER.

NEW LONDON, CONN., *January* 17, 1882.

COLONEL: I have the honor to submit the following report on the survey of the harbor at Madison, Conn.

Between Sachem's Head on the west, and Hammonasset Point on the east, a stretch of 8 miles, the north shore of Long Island Sound curves in and runs about 2 miles back of a line joining the headlands. The village of Madison lies one mile back from the shore, a little east of the middle of this bay, which is all the harbor the town has.

There are two wharves about a mile apart and quite disconnected, the westerly one known as the village wharf, and the easterly as the ship-yard wharf; both localities are protected by the mainland from northerly storms, but are wholly exposed to gales from any southerly quarter. The survey authorized by act of Congress was desired with a view to applying for governmental aid in the construction of a breakwater in front of the ship-yard wharf, which should serve the double purpose of providing a shelter for both local and passing vessels and of covering several rocks which make the approach to that wharf difficult.

The survey was made in July, 1881, and the map of the same is now completed and presented herewith.

The harbor is so wholly exposed to southerly storms that there is no place where vessels can lie at anchor during a severe gale except in the lee of Three-Quarters

Rock or behind Tuxis Island. Both of these anchorage grounds are very small and but poorly sheltered.

There are no difficulties of construction in the building of a suitable harbor of refuge here. The depth is ample to accommodate any vessels likely to make use of it; the holding-ground is good, and there is apparently no danger of filling; owing to the unprotected nature of the harbor, the length of wall required to secure a fairly large sheltered area is unusually great.

Three different lines for the breakwater have been considered—one requiring 10 per cent. more, the other 6 per cent. less, stone than the one outlined on the map, which is preferred to the former on the score of economy, and to the latter on account of the more than proportionately large area sheltered. The one preferred consists of three separate breakwaters: the first, from Flat Rock, crossing Lobster Rock to Southeast Ledge, then following the course of the ledge westward to the end; the second, beginning at the outer end of South Ledge, crossing the ledge and running to a point 250 feet southwest of Three-Quarters Rock; the third, starting from the east end of the "Three-Quarters," crossing it and connecting with Gull Rock. This will give a harbor of 12 feet or greater depth, containing 35 acres of anchorage, protected from southeast storms, and 55 acres protected from south or southwest storms, which is sufficient for local commerce and for all passing vessels which would be apt to seek shelter there. There would be three available entrances to this harbor, one from the east, inside of Flat Rock, having a width of 180 feet and low-water depth of from 6 to 10 feet; one from the southeast between Southeast Ledge and South Ledge, 600 feet wide and 17 feet deep, and one from the west, outside of the "Three-Quarters," 250 feet wide and 16 feet deep; the entrance inside of Gull Rock would be too shoal to be of use to any but small sail-boats.

To withstand the sea liable to be thrown against it, this breakwater should be not less than 6 feet wide on top, with side slope of 1 on 1, and 3 feet above high-water.

The length and amount of stone in the three sections so constructed are as follows:

	Length.	Average depth.	Weight of stone.
	Feet.	*Feet.*	*Tons.*
Flat Rock to and along Southeast Ledge	2,120	13.9	75,246
Southwest Ledge towards "Three-Quarters"	1,600	16.2	67,973
"Three-Quarters" to Gull Rock	1,100	10.9	29,977
Total	4,820		173,196

The probable cost of stone delivered here on line of the breakwater will be $1.50 per ton.

173,196 tons riprap granite, at $1.50 per ton	$259,794
Supervision and general expenses	25,206
Total	285,000

The breakwater from the "Three-Quarters" to Gull Rock increases the sheltered area but slightly; it affords more perfect protection against southwest gales, and is inserted as completing the thorough protection of the inclosure. If it be omitted the cost will be as follows:

143,219 tons riprap granite, at $1.50 per ton	$214,828 50
Supervision and general expenses	20,171 50
Total	235,000 00

These amounts cannot be further reduced without giving up more than proportionately the advantages that would arise from the desired harbor; they might be indefinitely increased, but it is believed that the plan above described will meet all demands upon Madison Harbor for many years to come.

The desire of the petitioners for this survey was to secure a safe and convenient anchorage for their local commerce, with such incidental benefit to the general commerce of Long Island Sound as this might afford; this, the above plan secures. Should it ever be desired to make at Madison a harbor of refuge adequate to meet all possible needs of the growing commerce of Long Island Sound, it would have to be done on a much larger scale, and on a wholly different plan; neither this nor any other plan suitable to the comparatively small interests now asking protection would be of advantage as the starting-point to such an undertaking.

Madion is 4 miles west of Clinton; the mean rise and fall of tide at Madison was

found by comparing observations at the two places for four days; it was found to be 4.425 feet.

I have been promised several times commercial statistics of the town and harbor of Madison, to accompany this report; they have not yet been received; should they come to hand later they will be presented by themselves.

Respectfully submitted.

HENRY N. BABCOCK,
Assistant Engineer.

Col. J. W. BARLOW,
Major, Corps of Engineers, U. S. A.

REASONS FOR A PROPOSED BREAKWATER AT EAST WHARF, MADISON, CONNECTICUT.

1. No good harbor of refuge now exists between New Haven and New London that is accessible at all stages of the tide.

2. The commerce of Long Island Sound imperatively demands such a harbor of refuge as would be formed by a breakwater, such as is proposed.

3. The part of the Connecticut shore embraced within the breakwater aforesaid lies at a part half-way, or as near as practicable to that point, between the ports of New Haven and New London aforesaid.

4. The commerce of Long Island Sound is of late years, and probably will for years to come, be carried on largely by lines of towing steamers and barges, and this fact makes apparent the fact to all that 52 miles on a watercourse like Long Island Sound is too long a distance for the safety of vessels of this class—too long a distance for them to be obliged to run at all times during the year without a chance to make a harbor—and the same can be said of all other classes of coasting vessels, unless, perhaps, the larger class of steamers be excepted. For all the common carrying trade of the sound, which is at present immense and on the increase, no greater benefit could be conceived than a breakwater at the point named.

5. The oyster trade, or the cultivation of oysters on new grounds taken up for that purpose, is at present an interest involving a very large amount of money and valuable property, and is most certainly a kind of business that must be ever increasing. At present a large portion of the ground to the north of a line drawn from Hammonasset Point and Sachem's Head has been taken up by different parties to be covered with shells on which to grow oysters. That business will be greatly benefited by a harbor of refuge of the kind and at the point before referred to in this paper, and also in a petition sent to Congress during its last session, upon which an appropriation was granted for the survey of the shore at this point and the waters adjacent thereto.

6. A semicircle of sunken reefs of rocks extends from what might form the east end of the proposed breakwater, with sufficient openings between them to the west end of same breakwater, upon which the stone might be laid to advantage in the large diminution of cost of the structure.

7. The bottom of the sea over the portion that would be covered is of the best kind of ground to hold an anchor; no seaweed or eel-grass to foul anchors.

8. Ship-building has been for sixty years a branch of industry for the people of the town. From one to five vessels annually are launched from the ship-yards of the vicinity. A very great advantage to that interest would result from the breakwater proposed, by making a harbor where new vessels could lie after launching, for completion, and repairing vessels could be carried on.

9. The produce of the town would be vastly increased by a good harbor to which vessels could come and be safe to load or discharge their cargoes.

There are raised and taken away yearly 100,000 bushels of potatoes, 100,000 bushels of turnips and onions, 2,000 cords of wood, 500,000 feet of lumber, and 200,000 feet of timber.

All the purposes for which a harbor is used, all the benefits that ever arise from the possession of a harbor to all parties using it, would be served in the most emphatic way and most fully served by the breakwater proposed.

We, the undersigned, loyal citizens of the United States of America, assenting to the foregoing statements and suggestions, do earnestly request and respectfully ask that Congress, now in session at Washington, will grant an order to the proper officers of government for the construction of the breakwater as hereinbefore set forth.

Madison, December 23, 1881.

Signed by

FREDERICK T. DOWD and 37 others.

SURVEY OF CLINTON HARBOR, CONNECTICUT.

ENGINEER OFFICE, U. S. ARMY,
New London, Conn., January 17, 1882.

GENERAL: I have the honor to submit the report upon the examination or survey and estimates of cost of improvements proper to be made at the harbor of Clinton, Conn., authorized by act of Congress approved March 3, 1881. The supervision of this work was assigned to my charge by letter of the Chief of Engineers dated March 21, 1881.

A map of the harbor as surveyed under my direction by Mr. H. N. Babcock, assistant engineer, together with his report, is submitted herewith.

Clinton Harbor, 9 miles west of the Connecticut River, on the north shore of Long Island Sound, is the outlet of Hammonasset River.

It is well sheltered from all storms, lying between the mainland on the north and a narrow strip of sand and marsh running about parallel on the south. The current of the river, together with its ebb and flow, formerly passed to the eastward of this strip of land, and seemed to maintain a depth and width of channel sufficient for the local wants of the village.

A break through this protecting marsh occurred about forty years ago, permitting a large share of the currents to pass through, in consequence of which, it is said, the natural channel has shoaled, the depth at mean low-water having been reduced in some places from 8 to 4 feet.

The improvement desired is the restoration of the original condition of the channel.

To do this, it is manifestly expedient to first close the opening above referred to, which can be done at a moderate cost, the estimate being $3,000.

When this is done it would be well to watch the effect of the increased currents, and should they be found insufficient to secure the desired results, resort should be had to dredging. The sum of $7,200 is sufficient to excavate a channel 100 feet wide and 6 feet deep at mean low-water through the two shoals which now obstruct the channels.

The total cost of the improvement, should the whole estimate for dredging be found necessary, is therefore $10,000.

Inclosed herewith will be found statistics relating to the commerce and navigation.

Respectfully submitted.

J. W. BARLOW,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. HENRY N. BABCOCK, ASSISTANT ENGINEER.

NEW LONDON, CONN., *January* 17, 1882.

COLONEL: I have the honor to submit the following report of the survey Clinton Harbor, Connecticut, accompanied by a map of the same, on a scale of 200 feet to the inch. The survey was made in July, 1881.

The Hammonasset River is a tidal stream lying south of the village of Clinton, and separated from a bay of Long Island Sound by a beach of sand and marsh, at the east end of which the river finds its outlet. Its width at high-water near Clinton is from 800 to 1,800 feet; the greater part of this runs bare at extreme low-water, leaving a channel not over 200 feet wide, kept clear by the tidal scour.

About forty years ago a break was made in the beach half a mile from the east end, which has since been cut out by the current until now it is 280 feet wide and in some parts of considerable depth; at one place, near where the former line of low-water must have been, there is now a hole of 13 feet depth. A large part of the ebb and flow passes

through this break, which would otherwise help to keep the main channel open, and there seems no doubt that the first thing to be done for the improvement of this harbor is to close up the break and direct the currents into the channel. This can be done either by a riprap wall of granite blocks, care being taken not to use large ones exclusively, or by a double row of piles filled in with brush and gravel, kept in place by heavy stones on top; the cost of the two plans would be essentially the same: 350 feet of pile and brush dike, at $8 per linear foot, amounting to $2,800, and 1,500 tons of riprap stone, at $2 per ton, $3,000.

To the northeast of Sandy Point (the point at the east end of the beach), the channel is quite shoal, having an available depth of not more than 4.5 feet at mean low-water; it is also very crooked at and below this place. To increase the depth to 6 feet for a channel 100 feet wide would require the removal of 9,200 cubic yards of sand and mud, costing, at 25 cents per yard, $2,300. No satisfactory plan for straightening the channel here can be suggested until the effect of closing the break is ascertained. It is probable that about one-third of the tide-water now enters and escapes through this break, which, if it were diverted back into the channel, would aid considerably in keeping it open, and might relieve the crookedness sufficiently. For the same reason, it would be more economical to postpone deepening the channel northeast of Sandy Point until a year after the closing of the break.

There is a low-water depth of 6 feet or more all the way out from the Clinton wharves, except the shoal above mentioned and a bar formed across the channel where it meets the deep water of Long Island Sound. The available depth there is only 4 feet at low-water; and it is said the depth used to be from 8 to 12 feet. The cost of making a channel 100 feet wide and 6 feet deep through this bar would be $5,000; its permanence cannot be promised with any certainty. The bar appears to be of the kind formed at the mouth of many of the tidal estuaries along this coast, occurring, as it does, just where the current from the inland basin meets deep water, and these bars always tend to reform soon after dredging. The general verdict of the inhabitants is, however, that previous to the break in the beach there was from 8 to 12 feet of water on the bar; this being the case, it is not unlikely that, the break being closed, the tidal current which used to keep open 8 feet depth on being restored to its former force would now keep open a new channel.

The mean rise and fall of tide at Clinton, as determined by consecutive daily observations from July 19 to August 1, 1881, is 3.879 feet.

Respectfully submitted.

HENRY N. BABCOCK,
Assistant Engineer.

Col. J. W. BARLOW,
Major, Corps of Engineers, U. S. A.

COMMERCIAL STATISTICS, &C.

CLINTON, CONN., *January* 2, 1882.

DEAR SIR: We have at hand your favors of December 6 and 31, last, asking for information and statistics relating to the commerce of Clinton Harbor.

1. Amount of commerce or navigation that will be benefited by the improvement.

We reply that 90 to 100 vessels arrived and departed during the year 1881.

2. The increase in commerce likely to occur.

It cannot be said that large increase in commerce will be likely to occur, but whatever increase there may be and what commerce is already carried on is greatly hindered and obstructed by the condition of the harbor and channel, resulting from the break in the beach which it is proposed to repair.

3. General commercial statistics of the harbor.

There has been shipped from the harbor during the year 1881, as nearly as can be ascertained from parties concerned in the business:

9,800 railroad ties.
1,070 cords wood.
15,000 feet plank and lumber of various kinds.
75,000 slats.
8,000 posts, for fencing and other purposes.
300 tons hay.
200 tons straw.

There has been received at this harbor:

1,200 tons coal.
10,000 bushels oysters.
108,000 feet lumber.
1,000 bushels corn and other grain.

Also bricks, oils, and general merchandise, which cannot be enumerated.

A considerable number of vessels make this harbor their wintering place on account of its security; and some of them are of large size for coasting vessels, and the condition of the channel and harbor frequently causes long delays in coming into and departing from the harbor.

Clinton Harbor receives agricultural products for shipment hence, besides from the town of Clinton, from almost the whole of the town of Killingworth, the easterly part of the town of Madison, and the westerly part of the town of Westbrook, including an area of 30 to 40 square miles, and 4,000 and more of population.

The break in the beach occurred about the years 1836 to 1838, and was started by being plowed through by an owner of the Sandy or Cedar Point lying to the eastward of the break, his object being to prevent persons going by that way to carry off seaweed from his land.

The average depth of water on the outside bar is very much less than before the break; for a long distance, where before was 8 to 12 feet at low tide, there now is not more than 3 to 4 feet.

Around the easterly end of Sandy Point or Cedar Point, where before was a good width of channel, it has become narrow, and is for a long distance not more than half the former width, and much more indirect and crooked than before the break, by reason of the bar being extended to the northward.

We suppose that estimates for work on the bar near the pier need not be large, as it is probable that the whole body of water, returning to its proper and natural course, will in some measure wash out the deposits of mud and sand which have accumulated there in past years.

The undersigned, long residents of Clinton, are of the opinion that the foregoing statistics of commerce at this harbor and the other statements are as nearly as may be correct, and that the proposed improvements are much needed.

Signed by

CHARLES A. ELLIOTT,
And eleven other residents.

To Col. J. W. BARLOW.

SURVEY OF GREENPORT HARBOR, NEW YORK.

ENGINEER OFFICE, U. S. ARMY,
New London, Conn., January 20, 1882.

GENERAL: I have the honor to present herewith the report of examination or survey and estimates of improvements proper to be made at Greenport Harbor, N. Y., as authorized by act of Congress approved March 3, 1881. The work was assigned to my charge by letter of the Chief of Engineers, dated March 21, 1881.

A survey was made under my direction in July by Mr. H. N. Babcock, assistant engineer. His report together with the map is sent herewith. Commercial statistics relating to the importance of this harbor are also presented.

Greenport Harbor is the northern portion of Shelter Island Sound, near the eastern end of Long Island. The improvement desired is the construction of a breakwater off Joshua's Point, upon the shoal of the same name, to cover the anchorage of Greenport Harbor from east and northeast storms, and to prevent the further shoaling of the harbor by the transfer of material from the point and shoal, which has occurred to such a degree as already to have greatly diminished the original area of the harbor.

Three estimates are given of $22,200, $30,000, and $46,000 respectively, for breakwaters similar in design, but of varying lengths, extending to the 12, 15, and 18 foot curves. The shorter of these lines would probably serve the purpose of protecting Joshua's Point from erosion, and of preventing a further shoaling of the harbor, but the longer works would of course afford the better and larger anchorage.

Respectfully submitted.

J. W. BARLOW,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. HENRY N. BABCOCK, ASSISTANT ENGINEER.

NEW LONDON, CONN., *January* 19, 1882.

COLONEL: I have the honor to submit the following report on the survey of Greenport Harbor, N. Y.

The northern part of Shelter Island Sound, which lies opposite the village of Greenport, is known as Greenport Harbor; it is marked by only a small indentation of the shore, yet is well protected by the northern peninsula of Long Island on the north and west, and by Shelter Island on the south and southeast, and is only exposed to storms from the northeast and east, which bring a heavy sea around the north end of Shelter Island.

Greenport Harbor is too far removed from Long Island Sound (about 9 miles by water) to be of any value to general commerce, but it has quite a little shipping of its own, and the greater part of the vessels bound to and from Sag Harbor and Riverhead enter by way of Greenport Harbor.

The survey of this harbor was made in July, 1881, and the map of the same is presented herewith.

The mean rise and fall of tide at Greenport, determined by fourteen daily observations, from July 15 to July 28, inclusive, is 2.43 feet.

Directly east of Greenport village is a small cove, called Stirling Basin, which has been a very good anchorage ground for small boats, though the area of deep water has been too limited to accommodate many vessels over 12 feet draught. This basin was protected by Joshua's Point to the north, and Joshua's Bar, a shoal leading out from the point to the northeast. The tide, whether ebb or flood, sweeps strongly around the point and across the bar, and northeast storms have driven material from these places over into the basin and damaged the anchorage. One of the boundary corners of the village of Greenport lies on Joshua's Point; it was marked by a stone which has been repeatedly moved back as the point wore away; within the past year it has been lost. The object for which the survey was desired was to obtain a plan and estimates for a breakwater which should protect the point from further wear and increase the sheltered area.

The following estimates are for a breakwater starting from the beach 350 feet northeast of Joshua's Point, and following a straight course over the bar as nearly as possible in the line of shoalest water:

	Length.	Weight.	Cost.
	Feet.	*Tons.*	
To the 12-foot curve	1,267	11,510	$22,200
To the 15-foot curve	1,427	15,670	30,000
To the 18-foot curve	1,697	23,970	46,000

The cross-section is: Rise above high-water, 3 feet; allowed for sinkage, 1 foot; side slopes, 1 on 1; top width, 5 feet. The cost of stone delivered is estimated at $1.75 per ton, and 10 per cent. (approximately) is added for supervision and general expenses.

If carried out to the 18-foot curve this breakwater would shelter an area of about 12 acres over 15 feet depth, and 17 acres over 12 feet depth; if carried out to the 15-foot curve, these areas would be respectively reduced to 4 and 9 acres. No dredging inside the breakwater will be desired at present; if it ever be proposed to enlarge the protected area in this way, 18 additional acres of 12 feet depth can be obtained by the removal of 150,000 cubic yards of sand and gravel.

Respectfully submitted.

HENRY N. BABCOCK,
Assistant Engineer.

Col. J. W. BARLOW,
Major, Corps of Engineers, U. S. A.

COMMERCIAL STATISTICS, ETC.

GREENPORT, LONG ISLAND, NEW YORK, *December* 10, 1881.

DEAR SIR: In answer to your favor of December 6 it may be stated, as the result of inquiries carefully made, that—

1. The number and tonnage registered at the surveyor's office in Greenport, as appears by his last quarterly report, are as follows:

Number of vessels documented, 263; tonnage, 16,271. These figures have been steadily increasing for the past ten years. At Sag Harbor there are some 30 to 40 vessels

documented, with a gross tonnage of probably 3,000. Nearly or quite all of these vessels, in passing in or out, do so by way of the north side of Shelter Island, and therefore, so far as the use of Greenport Harbor goes, may be treated as part of the local tonnage.

2. The increase of commerce likely to result from the proposed improvement of Greenport Harbor is necessarily a matter of conjecture rather than of certainty, but it may safely be expected to be important and permanent. With a breakwater, such as is proposed, the safety and accessibility of the harbor in easterly gales or winter storms becomes greatly enhanced; and it may fairly be expected that many vessels bound inward or outward from or to Long Island Sound will, with the knowledge that a secure anchorage can be had a few miles from the outer ocean, avail themselves of the advantage thereby offered to save time and distance. In this connection it ought to be stated that the official report of the keeper of the light-house on Long Beach Bar, at the entrance to the bay, shows that in the fiscal year ended June 30, 1881, there passed that point 10,796 vessels, of which 2,937 were steamers, mainly employed in the menhaden fishery; which, for the nine years and seven months during which the light had been established and the record kept, the aggregate reached the large figures of 106,108. And it should be added that the number of ocean-going vessels in foreign trade leaving and arriving at the port of New York by way of Long Island Sound has of late materially increased and will continue to increase indefinitely as soon as the obstructions at Hell Gate are removed. Moreover, vessels from foreign ports have begun to stop at this harbor and await orders by telegraph as to their destination.

3. The gross amount of business done at this place for the past year, including merchandise received and shipped, material and products of mechanical trades and manufacturing industries, and values of fertilizers and surplus production of agricultural interests will considerably exceed $2,000,000, while an equal or larger sum should be set down for the region of country immediately adjacent to the bay, and whose commercial interests are directly connected with the navigation of that bay, hence would be in greater or lesser degree affected by the proposed improvement.

Respectfully yours,

Signed by

S. P RACKETT,
THOMAS F. PRICE,
C. M. SMITH,
W. Z. KING,
and 45 others.

Maj. J. W. BARLOW.

LETTER OF MESSRS. W. Z. KING AND H. A. REEVES.

GREENPORT, N. Y., *January* 7, 1882.

* * * * * * *

The water which would be sheltered by the proposed breakwater is in some places deep enough for vessels drawing 20 or more feet; but the chief benefit would result to vessels of 10 or 12 feet draught, and under. No dredging is at present deemed necessary. In the absence of definite knowledge of the place where the village boundary-line stone is, it is impossible to tell just how much the high-water line has moved back on the shore-end of the bar, but it is safe to say several hundred feet. The filling-in that has taken place inside the bar may be measured by acres.

No protection is needed from storms from any other than an easterly or northeasterly direction.

Very truly yours,

W. Z. KING.
H. A. REEVES.

SURVEY OF MAMARONECK HARBOR, NEW YORK.

ENGINEER OFFICE, U. S. ARMY,
New London, Conn., January 18, 1882.

GENERAL: I have the honor to submit herewith the report of examination or survey and estimates of cost of improvements proper to be made at Mamaroneck Harbor, N. Y., as authorized by act of Congress approved March 3, 1881. The work was placed in my charge by letter of the Chief of Engineers, dated March 21, 1881.

A survey was made under my direction by Mr. H. N. Babcock, as-

sistant engineer, in the latter part of July and the beginning of August last. The map and Mr. Babcock's report are transmitted herewith.

A list of wrecks which have occurred at this harbor, and other statistics, also accompany this report.

Mamaroneck Harbor is an arm of the sound, on its north shore, about 5 miles southwest of the eastern boundary of New York. The improvement desired consists, *first*, in the removal of several sunken rocks which dangerously obstruct the channel; and, *second*, the excavation of a channel of navigable width at the upper and shoalest part to a depth of 4 to 7 feet at mean low-water.

To complete these improvements in accordance with the most comprehensive plan considered would require—

The entire or partial removal of six rocks to a depth of 7 feet below mean low-water, amounting to 1,218 cubic yards, at $20 per yard	$24,360
The removal by dredging of sand and gravel, 59,300 cubic yards, at 25 cents	14,825
Construction of sand dike to cut off channel east of Grassy Knoll	200
Contingencies of engineering and supervision	3,615
Total	43,000

These improvements could be made progressively, and each successive step would give its proportionate share of benefit. The most essential part of the improvement, and that which should first be attempted, is the removal of Bush Rock and the excavation of the channel to old steamboat wharf, amounting in cost to about one-half of the whole; but to make the harbor reasonably safe and satisfactory, it would be desirable to continue operations by removing the other rocks in the following order; Inner Steamboat Rock, part of Nell's Rock, Outer Steamboat Rock, Little Nanhook and Round Rock, and lastly, dredging the channel to new steamboat wharf.

This harbor presents natural commercial advantages, being the port of a large and prosperous back country, which, it is believed, would derive great benefit from a safe water-route to New York. Such a channel of communication would become established by the completion of the improvements above considered.

Respectfully submitted.

J. W. BARLOW,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. HENRY N. BABCOCK, ASSISTANT ENGINEER.

NEW LONDON, CONN., *January* 18, 1882.

COLONEL: I have the honor to present the following report on the survey of Mamaroneck Harbor, N. Y.:

Mamaroneck Harbor is on the north shore of Long Island Sound, about 5 miles from the Connecticut State line; it is essentially an arm of the sound, receiving fresh water from three streams which are not large enough to materially affect the currents, even in time of freshet. A dam was removed from one of these streams a few years since, which is said to have caused a shoaling of about 1 foot in the upper part of the harbor, due to material brought down by the stream.

There are several rock obstructions in and about the mouth of the harbor, which, although well known and mostly buoyed, have caused the wrecking of numerous vessels during fogs and storms. The object for which the survey was desired was to ascertain the cost of removing these obstructions (at least the worst of them), and of making a channel 7 feet deep to the old steamboat wharf, and secondarily from there to the new steamboat wharf.

The survey was begun in the latter part of July, and finished early in August, 1881; the map of the same is now completed, and is presented with this report.

The harbor of Mamaroneck consists of a narrow channel of nearly a mile in length opening suddenly into a broad bay. The old steamboat wharf is about half way up this channel; it is all removed except the piling, but is to be rebuilt, and probably will be the important wharf of the harbor. The least channel depth in reaching this wharf is 4.6 feet, at a point west of Grassy Knoll, where the width of the channel is also least; this is due to a secondary channel east of Grassy Knoll, which was formerly the main channel, and which now affords an exit to a large part of the tide-water. The new steamboat wharf is at the head of the harbor; the channel below it is narrow and crooked, its least width being 70 feet between low-water lines, and its least depth 0.7 foot at low-water, most of which depth is probably due to the discharge of a fresh-water stream.

The rise and fall of tide, determined as the mean of fourteen consecutive daily observations at the old steamboat wharf, is 8.015 feet.

The principal rock obstructions, in order, going down the harbor, are Round Rock, Nell's Rock, Bush Rock, Inner Steamboat Rock, Little Nanhook, and Outer Steamboat Rock. Round Rock is a small rock lying in the east side of the channel, 500 feet above the old steamboat wharf, in 2½ feet of water. The rock projects 0.8 foot above mean low-water, is 10 feet long by 6 feet wide, and seems to be a bowlder. Its volume above a plane 4 feet below mean low-water is about 7 cubic yards. Nell's Rock and Bush Rock lie directly opposite one another, about 1,400 feet below the old steamboat wharf, with a channel 14 feet deep between them; the 7-foot channel here is but 78 feet wide, and curving, making these rocks the worst obstruction in the harbor; they both run bare at low-water. Nell's Rock projects from the east shore; its complete removal to the shore will not be necessary, and a line is drawn across the rock on the map, which line (A-B) is the northeast limit of all estimates for removal. Bush Rock consists of two rocks, probably joined below the bottom; only the removal of the eastern one is desired; this will give a channel-way of 150 feet width, and nearly straight. Inner Steamboat Rock lies in the middle of the channel, in a depth of 6.2 feet of water; its highest part has a depth of 3.8 feet below low-water. Little Nanhook, with a surrounding depth of 5 feet, rises to 1.1 feet below low-water plane; it is about 130 feet west of the general course of vessels entering the harbor. Outer Steamboat Rock lies in the open harbor, in 9.3 feet of water; its least depth is 3.8 feet, but the channel on either side is 800 feet wide, and the rock is not at all dangerous by daylight. The following table shows the volume of these rocks above the 5, 6, 7, 8, and 9 foot curves, respectively; two of them cannot be estimated with any accuracy below 6 feet, on account of the shallowness of the surrounding bottom.

	Above 5 feet.	Above 6 feet.	Above 7 feet.	Above 8 feet.	Above 9 feet.
	Cub. yds.	*Cub. yds.*	*Cub. yds.*	*Cub. yds.*	*Cub. yds.*
Nell's Rock	52	100	152	210	280
Bush Rock	457	600	750	913	1,105
Inner Steamboat Rock	10	31	60 (?)	.....	.....
Little Nanbook	54	115	200 (?)	.....	.....
Outer Steamboat Rock	.....	12	49	115	218

At the entrance to the outer harbor there is a large rock, known as Ship Rock, with 6 feet on its shoalest part, in a surrounding depth of 15 feet; it should have a horizontal striped buoy; during the past year it has had none. There are several other rocks in the harbor, which are shown on the map, but whose removal is not at all important.

The material of the bottom in the outer harbor is quite soft; in the upper channel it is a rather firm mixture of sand and mud, but not difficult to dredge. Possibly a bed of gravel, *débris* from the fresh-water stream, may exist below the surface at the upper end of the harbor.

To make a dredged channel 100 feet wide and 6 feet deep at mean low-water from the deep hole opposite Bush Rock to the old steamboat wharf, a distance of 1,100 feet, with a turning basin 150 feet wide and 200 feet long, would involve the removal of 18,000 cubic yards of sand, costing, at 25 cents per yard, $4,500. Above this point to the new steamboat wharf, a distance of 2,100 feet, a depth of 4 feet would be sufficient.

The channel over this distance, though crooked, will be preserved more readily in its present course than if any attempt at a moderate cost be made to change it. To make this channel four feet deep and 80 feet wide would require the removal of 28,300 cubic yards of sand, with probably some gravel, at a cost of 25 cents per cubic yard, amounting to $7,075.

The closing of the secondary channel east of Grassy Knoll would aid considerably in keeping open the channel below the old steamboat wharf. To build there a rip-rap jetty 500 feet long, of triangular section, 10 feet base and 5 feet height, would require about 1,000 tons of stone, the probable cost of which delivered in place would be $2,400. During the progress of dredging, this result could be obtained more cheaply by making a cut along the proposed line and throwing the material up as a sand pier along the side of the cut. The location is not exposed to storms, nor to freshets, and it is probable such a pier would last until the channel became filled up. The cost ought not to exceed $200.

Two suitable schemes for improving the harbor are suggested, the latter being the more comprehensive and including the former.

First. The removal of Round Rock to 4 feet depth, and of Bush Rock and Inner Steamboat Rock to 7 feet depth, with the excavation of a 6-foot channel 100 feet wide, up to the old steamboat wharf, at an estimated cost as follows:

Round Rock, 7 cubic yards, at $20	$140
Bush Rock, 750 cubic yards, at $20	15,000
Inner Steamboat Rock, 60 cubic yards, at $20	1,200
Excavation of sand, 18,000 cubic yards, at 25 cents	4,500
Building sand pier	200
Supervision and general expenses	2,460
Total	23,500

To make the above channel 7 feet deep would involve the removal of 13,000 cubic yards additional, at a further cost of $3,250, making the total cost $26,750.

Second. The removal of Round Rock to 4 feet depth, and of Bush Rock, part of Nell's Rock, Inner and Outer Steamboat Rocks, and Little Nanhook to 7 feet depth, together with the dredging of a 7-foot channel 100 feet wide to the old steamboat wharf, and continuing it as a channel 4 feet deep and 80 feet wide to the new steamboat wharf, at an estimated cost as follows:

Round Rock, 7 cubic yards, at $20	$140
Bush Rock, 750 cubic yards, at $20	15,000
Nell's Rock, 152 cubic yards, at $20	3,040
Inner Steamboat Rock, 60 cubic yards, at $20	1,200
Outer Steamboat Rock, 49 cubic yards, at $20	980
Little Nanhook, 200 cubic yards, at $20	4,000
Excavation of channel to old steamboat wharf, 31,000 cubic yards, at 25 cents.	7,750
Excavation of channel above old steamboat wharf, 28,300 cubic yards, at 25 cents	7,075
Building sand pier	200
Supervision and general expenses	3,615
	43,000

To make the channel above the old steamboat wharf deeper than 4 feet at mean low-water would require the removal of about 8,400 cubic yards of material for each extra foot of depth; to make the channel 6 feet deep would involve an additional expenditure of about $4,200, making the total cost of the second plan, thus modified, $47,200,

Respectfully submitted.

HENRY N. BABCOCK,
Assistant Engineer.

Col. J. W. BARLOW,
Major, Corps of Engineers, U. S. A.

COMMERCIAL STATISTICS, ETC.

MAMARONECK, *December* 1, 1881.

DEAR SIR: The excellent survey you have made of this harbor shows conclusively that, with little expense, the harbor can be so improved as to afford all needed facilities for navigation required by this place.

First. Permit us to call your attention to the large area of country to which this port is the point of supply; the towns of Harrison, Scarsdale, Mamaroneck, White Plains, and part of Rye.

Second. To the fact that the Supervisors of these towns unite in requesting that this improvement of Mamaroneck Harbor be made.

Third. To the tonnage now regularly discharging here, in spite of the fact that it is with great difficulty any shippers can be induced to ship a cargo to enter the harbor, by reason of the obstructions at its mouth.

Fourth. To the large number of disasters to vessels by reason of those obstructions. (See list inclosed.)

Fifth. That a daily steamboat to New York City is a necessity here; that one was attempted to be run, but was wrecked on the harbor obstructions; and that citizens are ready at once to run a daily steamboat to New York, if Bush Rock is removed and the channel deepened to Harbor Island dock (the old steamboat wharf).

Sixth. That so important to this place is regarded the removal of these obstructions that a private attempt was made to blow up Bush Rock by the citizens, supervised by Alderman Taylor.

Seventh. That great quantities of freight that come by rail at increased cost would seek water communication if the harbor is improved. Of the amount of this freight no accurate statement can be made, except that freight cars are almost all the time discharging on the side tracks laid for that purpose at this place.

Eighth. This outer harbor lies on the north shore of the sound, at the head of its clear, open, navigation, and just at the entrance to its intricate channel-ways that begin at Sand's Point and Execution Light; that there is no shelter for the large commerce that passes through the sound, in northerly, northeast, and northwest gales, at this head of open sailing, except Mamaroneck Harbor, and every captain that passes through the sound would be glad to have a haven at this point. Even as it is, with the obstructions unmarked, it is a harbor of refuge in the sudden and severe northerly blows that compel shipping to make a harbor.

Ninth. That a large industry in the culture of oysters is hindered and, in great measure, prevented by inability to land oysters at all times of tide in cold and freezing weather. The vast increase in the oyster trade at South Norwalk, Bridgeport, and New Haven, resulting from the improvement of those harbors, is an indication of what would follow improvement in this harbor.

Signed by William Purdy and sixteen others.

Col. J. W. BARLOW.

PARTIAL LIST OF WRECKS ON THE ROCKS OF MAMARONECK HARBOR, NEW YORK.

Schooner Rutan, Capt. George Wright, struck rock near Hen Island, and was a total loss.
Sloop Relief, Capt. William Nichols.
Sloop Gamecock was wrecked, but no particulars.
Sloop Orbit, Nell's Rock.
Mary Willis, hit Bush Rock.
Sloop from Cold Springs, with brick, total loss.
Sloop Amity, struck Nell's Rock.
Sloop Griffen, Thompson, wrecked on Steamboat Rock.
Sloop Maid of the Mill, Captain Bonner, wrecked on Bush Rock.
Sloop General Taylor, loaded with coal, struck west end of Bush Rock and sunk.
Schooner Premium, Capt. Thomas Holman, struck Bush Rock, also Steamboat Rock.
Tug-boat Cattell, lost her wheel on Round Rock, struck and sunk on Nell's Rock.
Canal-boat, Capt. Joseph Morehead, with coal, struck on Nell's Rock.
Steamer Island City, Capt. James Frudenberg, Steamboat Rock.

LETTER FROM THE BOARD OF SUPERVISORS OF WESTCHESTER COUNTY, NEW YORK.

ROOMS OF THE BOARD OF SUPERVISORS,
OF WESTCHESTER COUNTY,
White Plains, New York, December 1, 1881.

DEAR SIR: At suggestion of Mr. T. L. Rushmore, I send the accompanying statement with reference to removing obstructions in Mamaroneck Harbor.

The Supervisors of New Rochelle and Harrison are absent from the board to-day, or it would have been signed by them also.

Yours,

M. BANTA.

Col. J. W. BARLOW.

STATEMENT ACCOMPANYING THE FOREGOING LETTER.

As will be seen by reference to the diagram annexed,* and which has been taken from the official survey, the harbor of Mamaroneck is the only one between the harbors of New Rochelleand Portchester, on Long Island Sound, which is or can be used

* Diagram not printed.

by the inhabitants of the towns of Mamaroneck, Scarsdale, Harrison, White Plains, and a large part of the town of Rye, county of Westchester; upon this harbor the inhabitants of these several towns are now almost solely dependent for market purposes.

Formerly, and up to about the year 1865, the trade of these places being comparatively small, light-draught vessels could enter the harbor without very great risk, and the delays caused by the obstructions therein were not then of so much consequence, but during the last fifteen years the population of these towns has almost doubled, numbering now nearly 19,000; and the valuation of real estate has increased over $1,000,000, as appears by the official reports now on file; this increase of population and value has brought a very greatly increased demand upon the harbor for the furnishing of supplies of coal, lumber, and all kinds of building materials and other merchandise for the use of the inhabitants and for carrying to market produce of the farms, &c. This increased demand has brought with it the absolute necessity for the employment of a larger and of a greatly increased number of vessels. The use of these vessels has been and is greatly hampered by the obstructions in the harbor, which prevent vessels entering or departing except at almost high-water, and even then the larger vessels are frequently injured by striking the rocks in the channel.

If these obstructions were removed and there should be no further danger of injury or delay to vessels, the cost of freight would be greatly lessened and a larger number of vessels would seek this harbor for business.

M. BANTA,
Supervisor of town of Mamaroneck.
SAML. WM. JOHNSON,
Supervisor of town of Rye.
GEO. J. WILLETS,
Supervisor of town of Scarsdale.

SURVEY FOR BREAKWATER AND HARBOR OF REFUGE AT MILFORD, CONNECTICUT.

ENGINEER OFFICE, U. S. ARMY,
New London, Conn., January 20, 1882.

GENERAL: I have the honor to submit the following report on the examination or survey for breakwater and harbor of refuge at Milford Harbor, Conn., authorized by act of Congress, approved March 3, 1881. This work was assigned to my charge by letter of the Chief of Engineers dated March 21, 1881.

The survey was made under my direction by Mr. H. N. Babcock, assistant engineer, whose map and report are transmitted herewith. Commercial and other statistics are appended to this report.

Milford Harbor is a bay of Long Island Sound on the Connecticut shore, about 9 miles west of New Haven. In 1872, a survey of this harbor was made, and the construction of a breakwater from Welch's Point, the eastern limit of the harbor, was considered. The line chosen then is essentially the same as that given now, and is believed to be the best that can be selected to shelter an anchorage of small extent.

It would be feasible to provide at this place a large and convenient harbor of refuge for general commerce by constructing two long breakwaters to extend obliquely into the sound from Welch's Point and Charles Island respectively. Such a harbor would cost between $400,000 and $500,000.

For the protection of the local commerce of Milford and its vicinity, including the valuable fish-oil works at Welch's Point, the breakwater shown on the accompanying sketch would probably suffice, and would also serve as a refuge for small sailing vessels or barges in tow, if caught in an easterly gale near by. It would, in addition, thoroughly protect the bluffs above Welch's Point from washing, which has heretofore caused a deposit of material at the mouth of the inner harbor, the dredging of which has already been the source of considerable expense.

The breakwater would cover from southeasterly gales an anchorage for vessels drawing 12 to 15 feet, of about 16 acres, and a less area sheltered also from southerly and westerly storms. Its estimated cost is $87,000.

Respectfully submitted.

J. W. BARLOW,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. HENRY N. BABCOCK, ASSISTANT ENGINEER.

NEW LONDON, CONN., *January* 17, 1882.

COLONEL: I have the honor to submit the following report on the survey for a breakwater and harbor of refuge at Milford, Conn. The survey was made in July, 1881, and a map of the same accompanies this report:

Milford Harbor is a bay about a mile broad by nearly a mile long, and facing the southeast. The bay is bounded on the southwest by Charles Island (of about 10 acres area) which is connected with the mainland by a sand bar bare at half tide. This, however, does not afford much shelter from southwest storms, for the seas round Charles Island and roll in from the south with a force not appreciably lessened, and the harbor is practically exposed to storms from any southerly quarter. At the north end of the bay a narrow tidal inlet runs up to the village of Milford. Within the past ten years this has been deepened by the government, and now the dredged channel affords a refuge which is taken advantage of by local vessels, though too far inland and too contracted to be of use as a general harbor of refuge.

A survey of Milford Harbor was made in 1872, the report on which contained an estimate for a breakwater from Welch's Point to provide a refuge for the commerce of Long Island Sound.

The depths in the harbor have not materially changed since that survey, and the line then proposed for the breakwater is the best that can be suggested now; the shelter that general commerce would gain is, however, modified by the presence of a large wharf belonging to the Fish-Oil Works, which occupies a part of the best anchorage ground that the breakwater would afford. By continuing the breakwater 100 feet further to the southwest, then making an arm 400 feet long extending about west-northwest, an area sheltered from southeast storms would be obtained equal to the previous design, and a better protection would be afforded against south and southwest storms, which are frequently quite severe at Milford. In the sheltered area would be several bowlders, which would be more a source of annoyance from catching anchors than of danger. The funds available for this survey were not sufficient to make the kind of examination necessary to determine the cost of their removal; it is placed at $5,000 in the following estimates, which is probably a rude approximation:

The least dimensions that could safely be given this breakwater would be 6 feet width on top, rising 3 feet above mean high-water. The cost on this plan would be—

Welch's Point to bend, 1,040 feet, 31,309 tons granite, at $1.50	$46,963 50
Beyond bend, 400 feet, 18,600 tons granite, at $1.50	27,900 00
Removing bowlders	5,000 00
Supervision and general expenses	7,136 50
Total	87,000 00

If the part beyond the bend were omitted the cost would be reduced to about $57,000, at the expense of shelter from the south and southwest; for the class of vessels likely to frequent this harbor, such shelter would be as much to be desired as that from easterly storms.

If it were desired to construct at Milford a harbor of refuge of great capacity, one breakwater 3,200 feet long from Welch's Point and one from Charles Island of 2,400 feet length would protect an area of about 100 acres of 18 feet depth, and nearly four times that area of 12 feet depth. The cost of such a harbor would be $425,000. Being only 8 miles from the breakwater at New Haven, the need for so extensive a work does not appear urgent.

Appended are all the commercial statistics bearing upon this matter which I have been able to obtain; others have been promised, but have not yet reached me.

Respectfully submitted.

HENRY N. BABCOCK,
Assistant Engineer.

Col. J. W. BARLOW,
Major, Corps of Engineers, U. S. A.

COMMERCIAL STATISTICS.

STRATFORD POINT, *December* 20, 1881.

SIR: The inclosed is the only file of passing vessels we have; our last book has been returned to headquarters. Owing to the severity of the last winter, the number of passing vessels was much less than the years previous; the average number was over 30,000. We kept no account of barges; we only counted the steamers.

Very respectfully,

THEODORE JUDSON,
Light-House Keeper.

Col. J. W. BARLOW, U. S. A.

NUMBER OF VESSELS PASSING STRATFORD POINT LIGHT-HOUSE, JULY 1, 1880, TO JULY 1, 1881.

Sloops	3,828
Schooners	16,247
Ships, brigs, and barks	311
Steamers	5,938
Total	26,324

EXTRACT FROM A LETTER FROM MR. GEORGE W. MILES, OF MILFORD.

Sometimes there are a great many vessels anchored here for a harbor when the wind is from the south, west, north, or northeast; but as soon as the wind hauls to the east and southeast they are obliged to get under way and seek a harbor elsewhere, just at the time they need one the most, and at times it is necessary to send for tugs to help them away. A breakwater would furnish a safe harbor during easterly storms; these storms are the most dreaded of all.

A small breakwater running from Charles Island northeasterly would protect from southerly storms, and would make this place the best harbor of refuge in all storms and under all circumstances there is or can possibly be made in the sound. The benefit to the people of Milford is as nothing compared to the benefit which would accrue to passing vessels.

Vessels bound up the Housatonic River to Derby, Birmingham, and Shelton, would find this a safe and convenient harbor while being obliged to wait for high-water so as to pass over the outer bar. They almost invariably, unless overloaded, could, at the right time of tide, get under way during an easterly storm and glide into the river with a fair wind and save a fair wind up the river; whereas now they are obliged to make a harbor so far to the westward that they cannot go in while the wind holds east, and when the wind changes they have head winds on the river and are delayed for several days, perhaps weeks.

There are no records kept of the number of passing vessels, or those that would be likely to seek refuge here; but one thing is certain and safe to say: all vessels passing through the sound that meet an easterly storm coming on, and find, after they pass Black Rock and Huntington, that they cannot reach New Haven, instead of running back to the head of the sound would surely make this harbor. The number of these during the year must be thousands.

I send you herewith partial figures on local commerce which have come under my immediate notice, and which make no small item.

These vessels come and go regularly from spring to fall, but are obliged to seek a harbor, both east and west, as best they may. This causes delay and time lost, amounting to thousands and thousands of dollars annually.

NUMBER OF VESSELS ARRIVING AT AND DEPARTING FROM MERWIN'S WHARF, MILFORD, CONN.

1880.	
Steamers	27
Sailing vessels	108
1881.	
Steamers	42
Sailing vessels	162

Number and tonnage of vessels arriving at and departing from Miles's wharf, Milford, Connecticut.

Year.	Steamers.	Sailing vessels.	Barges.
1871		32	
1872		50	
1873		48	
1874	1	56	
1875	2	64	
1876	4	96	
1877	6	113	
1878	6	114	
1879	6	115	
1880	6	154	
1881	6	180	2
Tonnage	525, 696	201, 400	800

Yours, respectfully,

GEO. W. MILES.

PETITION.

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned respectfully represent that it is of great and vital importance to all the commerce of the United States that passes through Long Island Sound that a breakwater should be constructed at Welch's Point, Milford Harbor, New Haven County, Connecticut, especially for a speedy refuge in time of storms, and they earnestly ask for an appropriation of $40,000 for that purpose, pursuant to the recommendation of Col. J. W. Barlow of the Engineer Corps now on file in the department at Washington.

[The 338 signatures to this paper are omitted.]

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 85.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMTITING,

In compliance with law, the report and opinion of the Surveyor-General of the Territory of New Mexico on private land claim No. 124, "Ojo de la Cabra," also report of Commissioner of General Land Office.

FEBRUARY 2, 1882.—Referred to the Committee on Private Land Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 1, 1882.

SIR: Pursuant to section 8 of the act of July 22, 1854 (10 Stat., 308), I have the honor to transmit herewith the report and opinion of the surveyor-general of the Territory of New Mexico on private land claim No. 124, known as "Ojo de la Cabra," the transcript of the original title papers and testimony in the case, the plat of preliminary survey of the claim, and the report of the Commissioner of the General Land Office concerning the claim.

The Commissioner states that the surveyor-general of New Mexico has recommended the claim for confirmation, and that he himself has no reason to doubt the validity of the validity of the claim.

The attention of Congress is especially invited to the remarks of the Commissioner as to the character of the preliminary survey of the claim.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT *pro tempore of the Senate.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 24, 1882.

SIR: Referring to your letter of the 17th instant, returning the papers in certain private land claims in the Territories of New Mexico and Arizona, for examination, I have the honor to submit the following with regard to the case known as Ojo de la Cabra, in New Mexico.

The papers in this case relate to proceedings had before the surveyor-general under the act of July 22, 1854, for the confirmation of said grant, and consist of copies, duly authenticated, of—

1. Claimant's petition.
2. Original title papers.

3. Translation of the same.
4. Testimony.
5. Opinion of surveyor-general.

I have examined these papers, and find that the translations are correct. The surveyor-general has given a clear statement of the case in his opinion, and has recommended the claim for confirmation. I see no reason to doubt the validity of the claim.

With regard to the preliminary survey of this claim made by the surveyor-general, I respectfully refer to my letter to you of the 18th instant, in relation to the claim known as Cañon de Chama, in New Mexico, as my expression of opinion in that case applies equally to the case in question. (See extract inclosed.)

The papers in the case are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

[Extract.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 19, 1882.

SIR: * * * I cannot add anything to what has already been stated in said report concerning the proposed confirmation of said grant, but would suggest as a general proposition, that in my judgment it would be advisable for Congress, in any acts that may be passed confirming private land claims, to omit in such legislation any provision adopting and approving the preliminary surveys thereof, and thus leave all questions affecting the proper location of the boundaries of such claims to this office and the department, as was done in cases of claims confirmed by Congress where preliminary surveys had not been made.

These surveys form no part of the proceedings had by the surveyor-general of New Mexico under the 8th section of the act of July 22, 1854, which relate to the adjudication of questions of title, but were authorized out of the appropriation made by the act of March 3, 1877 (19 Stat., p. 348), for the survey of private land claims, and since then Congress has made specific appropriations for them. They were intended merely for the information of Congress, and have not undergone such examination as to their correctness as would be given to the survey of a confirmed claim before issuing patent, and some are objected to, and some are evidently incorrect as to the boundaries adopted and quantity of land included, and the taking of testimony may be necessary to determine correctly the several locations.

* * * * * * *

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

[Transcript.]

GRANT TO JUAN OTERO FOR THE OJO DE LA CABRA TRACT, IN VALENCIA COUNTY, NEW MEXICO, BEING PRIVATE LAND CLAIM REPORTED AS NO. 106.

Date of grant, March 15, 1845. Reported by the United States surveyor-general July 13, 1875.

Hon. JAMES K. PROUDFIT,
Surveyor-General of New Mexico:

Your petitioners, the heirs and legal representatives of Juan Otero, now deceased, would respectfully represent:

That on the 22d day of January, 1845, the said Juan Otero petitioned the prefect of the third district of New Mexico, then one of territories of the Republic of Mexico, for a certain tract of land in the present county of Valencia, New Mexico, now under your jurisdiction as United States surveyor-general, the tract so petitioned for to be two leagues across in each direction, with the Goat Spring in the center.

That said petition was on the same day referred by said prefect to the local ayuntamiento for investigation as to the expediency of making the grant prayed for; that said ayuntamiento referred the same to a special committee of that body for the same purpose, and on the 2d of March following reported to said prefect, recommending, in pursuance of the report of said special committee, that a grant be made to said petitioner for one league of land at said Goat Spring; that the petition and report were thereupon referred by said prefect to the governor, to be by him laid before the legislative assembly; that the said legislative assembly, on the 15th of said March, made the grant of one square league so recommended, and that thereupon the said prefect ordered formal possession to the land so granted to be given said grantee Otero.

Your petitioners further represent that all the original papers showing these proceedings are now on file in your office, and have been and remain in the possession of the government since the same were had and recorded; the said papers, all embraced in one document, being known in your office as archive file No. 676; and your petitioners pray that said document be taken from among said archives, and, together with the sworn translation thereof and the sketch map of the land claimed thereunder accompanying this petition, be placed with this petition, and be made a part of this the claim of your petitioners for said land.

Your petitioners further represent that the written act of possession, which the said prefect authorized and ordered be executed to said grantee Otero, is now lost or mislaid, so that the same cannot be filed with this claim, but your petitioners deem the presence of the said act of possession not material in the premises of their said claim.

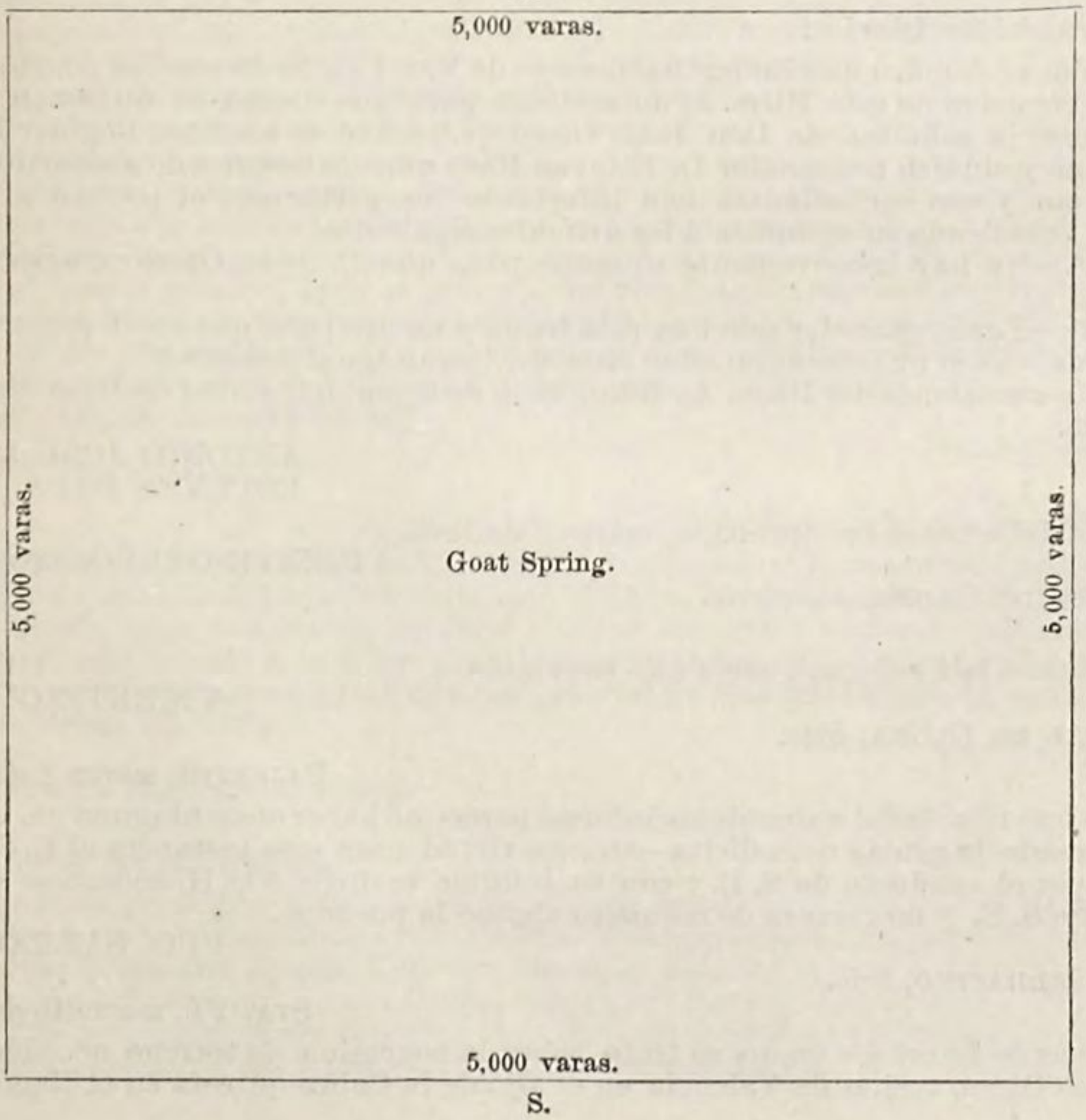
Your petitioners further represent that they are the owners of said granted land, and are now and always have been since the date of said grant in the quiet and undisputed possession of the same, and that they know of no claim thereto adverse to their own.

Your petitioners pray that their said claim be investigated and approved by your honor, under the treaty of Guadalupe Hidalgo, and under the law of the Congress of the United States of July 22, 1854, establishing your office, and that the same be confirmed by Congress under said treaty and said laws.

WALDO & ELLISON,
Attorneys for Petitioners.

Plat of the Goat Spring Grant, Valencia County, New Mexico.

[Area 4,340.27 acres.]



(Sello cuarto ; dos reales.)

Años de mil ochocientos cuarenta y dos y mil ochocientos cuarenta y tres.
"Habilitado para los años de mil ochocientos cuarenta y cuatro y cuarenta y cinco."
[Rubric.] JOSÉ ANTONIO CHAVEZ.
Administrator.

MARIANO MARTINEZ [Rubric.]
Gubernador.

Sor. Prefto. del 3er Distrito.

El ciudadano Juan Otero, vecino residente en la municipalidad de Valencia, ante V. S. en toda forma de dro. y previas las protestas utiles y necesarias parece y dice: Que hallandose con un pequeño chinchorro de ganado mayor y remonta qe. tiene pa. el uso muy necesario de sus intereses, y hallandose sin un terreno suficiente en donde poderlos pastear para poderlos tener en un regular estado de servicio he emprendido abrir una noria in el muy pequeño estiladero de agua qe. comunmente se le dice el Ojo de la Cabra, en el qe. echo algunos costos y el resultado parece ser favorable aun no sgeuro, y viendo qe. pa. lograr el fin qe. me he propuesta se han de hacer algunos costos pa. asegurar el fruto de mi trabajo se ha de servir V. S. en meritos de justicia se me dé por los terminos legales una posesion de terreno en la espresada noria de dos leguas por cada rumbo como un terreno baldio y como un beneficio qe. en este departamto. á todos se les ha concedido desde su conquisto á la fha. en qe. nos hallamos, acogiendomo al amparo de las leyes que impetro: protestando costas y lo necesario, &a.

Plaza de la Peralta, enero 22 de 1845.

JUAN OTERO.

PAJARITO *eno.* 22 '45.

Pase esta insta. à el sor. alce., juez de 1a. insta. y presidente del Iltre. Ayuntamto. de este disto. para que de acuerdo con ss. informe circunstancia do mte. reconociendo el terreno que se solicita así como bien pertenece á otro dueño y es valdio para en vista del informe resolver lo conveniente como una de las principales atribuciones que le concede á esta prefeta. la ley de 20 de marzo de 1837 en su arto. 77.

SARRACINO.

C'TE SARRACINO, *Srio.*

S. Prefecto del 3er Distrito:

Para dar el debido cumplimiento al decreto de V. S. fha. 20 de mardzo po. po. se nombró una comision de este Illtre. Ayuntamiento para que dieran su dictamen é informase sobre la solicitud de Don Juan Otero qe. recayó en los Sres. Regidor D. Anto. José Luna y sindico procurador D. Estevan Baca quienes despues de aberse informado del terreno y sus conlindantes han informado no pertenecer el terreno á persona alguna, reduciendo su dictamen á los artículos siguientes.

Art. 1º.—No hay inconveniente ninguno para que D. Juan Otero se agracie como solicita.

Art. 2º.—Puede conceder sele una sola lequa y no dos para que en el demas terreno que queda valdio puedan agraciarse otros qe. hagan igual solicitud.

Sala de comisiones del Illtre. Ayuntamiento de la municipalidad de Balencia, marzo 2 de 1845.

ANTONIO JOSÉ LUNA.
ESTEVAN BACA.

Puesto á discusion fue aprobado, marzo 2 de 1845.

VICENTE OTERO, *Presidente.*

MIGUEL DE OLONA, *Secretario.*

Remitase á la Prefectura como estó previnido.

VICENTE OTERO.

MIGUEL DE OLONA, *Srio.*

PAJARITO, *marzo* 8 *de* 1845.

Por lo que resulta del antecedente informe parece no haber obise ninguno pa. conceder al interesado la gracia qe. solicita—en esta virtud pase esta instancia al E. S. Govor. pa. qe. por el conducto de S. E. y con su informe se dirija á la H. Asamblea si á bien lo tuviere S. E. y no carezca de requisito alguno la posesion.

FCO. SARRACINO.

CTE. SARRACINO, *Srio.*

STA. FÉ, *marzo* 15 *de* 1845.

En acuerdo de est dia en qe. se trato sobre la concesion de terreno qe. pide el Sor. Dn. Juan Otero, vecino de Valencia en el Ojo de la Cabra qe. esta en el llano para la

sierra de Sandia se ha resuelto con dispensa de tramites y conforme á la facultad qe. le confiere el artículo 134 fraccion 5a. de las Bases Organicas acediendo al pedido que solicito que se le conceda la legua cuadradra á qe. se contrae el informe de la respectable corporacion de Valencia; al mismo tiempo se acordó se pase á V. E. original el pedido e informes para qe. á su continuacion se estiendan las diligencias qe. se practiquen para legalizar la posesion, y que conclnido vuelva el espediente en iguales terminos á la Sria. de esta Asamblea para protocalarse y darse al interesado la copia testimoniada con que comprobar la legitimidad de su posesion obrando en estos pasos el juez mas inmediato del terreno pedida.

J. MANUEL GALLEGOS.

TOMAS ORTIZ, *Srio.*

PAJARITO, *marzo* 18 '45.

Cumpliendo con el superior decreto que antecede y oficio de remision del E. S. Gobor. pase esta instancia all sor. juez de 1a. insa. D. Vicente Otero pa. qe. pase á dar la posesion qe. pr. la H. Asamblea se ha concedido á D. Juan Otero nacione. y personalme. en el nominado terreno dandole y concediendole un señorio absoluto á la agua qe. á sus espensas ha echo vertir cuya posesion formalisará dno. juez á nombre de la nacion mejicana (q. D. g.) con todas las solenidades de estilo y sin perjuicio de tercero, y concluido que sea le remitira el espediente á esta Prefra. para darle el curso correspondiente.

FCO. SARRACINO.

CTE. SARRACINO, *Srio.*

(Seal fourth, two reals.)

Years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three.

Valid for the years one thousand eight hundred and forty-four and forty-five.

JOSÉ ANTONIO CHAVEZ, [RUBRIC.]
Collector of Revenue.

MARIANO MARTINEZ, [RUBRIC.]
Governor.

Hon. Prefect of the 3rd Disirict:

I, citizen Juan Otero, a resident in the municipality of Valencia, appear before your honor in due form of law, protesting all that is requisite and necessary, and state that, finding myself with some small herds of cattle and horses which I have for my necessary uses, and finding myself without sufficient land to pasture them on, in order to keep them in ordinary condition for service, I have engaged in opening a well at the very small spring of water commonly called the "Goat Spring," on which I have made some expenditures, and the result appears favorable, though not certain; and seeing that in order to attain the benefit I have proposed some expenses must be incurred to secure the fruit of my labor, your honor will be pleased, in view of justice, to have given me in legal form a grant of land at said well of two leagues on each course, as public domain and as a benefit, which in this department has been conceded to all since the conquest to the present date. Availing myself of the protection of the laws, which I implore, obligating myself for costs and whatever may be necessary, &c.

Town of Peralta, January 22, 1845.

JUAN OTERO.

PAJARITO, *January* 22, '45.

Let this petition be forwarded to the alcalde, justice of 1st instance and president of the illustrious ayuntamiento of this district, that he, in conjunction with that body, report in detail, after examining the land applied for, and whether it belongs to any other person, and is public, in order that in view of the report to resolve what may be proper, as one of the principal attributes granted to this prefecture by article 77 of the law of March 20, 1837.

SAVRACINO.

CLEMENTE SAVRACINO, *Secretary.*

Hon. Prefect of the 3rd District:

In order to duly comply with the decree of your excellency, date 2nd of March last, a committee from the illustrious ayuntamiento was appointed, composed of Alderman Antonio José Luna and Syndic Estevan Baca, to determine and inform themselves relative to the application of Juan Otero; who, after having examined the land and as to the adjoining owners, have reported that the said land does not belong to any person whatever, reducing their report to the following articles:

Article 1st. There is no impediment whatever on Juan Otero being granted as he prays.

Article 2nd. There may be granted him one league only and not two, in order that the remaining public land may be granted to others making similar application.

Committee room of the illustrious ayuntamiento of the municipality of Valencia, March 2nd, 1845.

ANTONIO JOSÉ LUNA.
ESTEVAN BACA.

The same being discussed, it was approved, March 2nd, 1845.

VICENTE OTERO,
President.

MIGUEL DE OLONA, *Secretary.*

PAJARITO, *March* 8, 1845.

From the result of the foregoing report, it appears there is no objection whatever to conceding to the party interested the favor he asks; in virtue whereof let this petition be forwarded to his excellency the governor, that through his excellency the same, together with the report, be transmitted to the hon., the assembly, should his excellency be pleased to do so, and that the possession may not lack any requisite.

F. SAVRACINO.

CLEMENTE SAVRACINO, *Secretary.*

SANTA FÉ, *March* 15, 1845.

In the action had this day concerning the concession of land applied for by Juan Otero, a resident of Valencia, at the Goat Spring situate in the prairie towards the Sandia Mountain, it was resolved, under a suspension of the rules, and in accordance with the power conferred in article 134, section 5th of the organic acts, that acceding to the petition he requested there be granted to him the square league to which the report of the respectable corporation of Valencia confines itself, and at the same time it was resolved that the original application and report be transmitted to your excellency, that in continuation of the same there be added the proceedings which may be had to legalize the possession, and the same being concluded, the expediente will be returned in similar terms to the secretary's office of this assembly to be filed, and furnish to the interested party a certified copy thereof, wherewith to evidence the legality of his possession, the justice nearest the land applied for officiating in the premises.

J. MANUEL GALLEGOS,
President.

TOMAS ORTIZ, *Secretary.*

PAJARITO, *March* 18, '45.

In compliance with the foregoing superior decree and letter of transmittal of his excellency the governor, let this petition be transmitted to the justice of 1st instance, Vicente Otero, that he may proceed to execute the national and personal possession which the hon. sssembly have conceded to Juan Otero, to the aforesaid land, giving and granting to him in fee simple the water, which at his own expense he has caused to flow, which possession shall be executed by said justice in the name of the Mexican nation (may God preserve it), with all the required solemnities, and without injury to any third party; and the same being concluded, he will transmit the proceedings to this prefecture, in order to give it its corresponding course.

FRANCISCO SAVRACINO.

CLEMENTE SAVRACINO, *Secretary.*

The foregoing translation, made by me from the original in the Spanish language, is correct, to the best of my knowledge and belief.

SAM'L ELLISON.

Sworn to and subscribed before me this 29th day of January, 1875.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, January 29, 1875.

The foregoing translation having been by me compared with the original in Spanish and found correct is hereby adopted for the official translation.

DAV. J. MILLER, *Translator.*

JUAN OTERO.

Ojo de la Cabra (Goat Spring) tract.

AGUSTIN GALLEGO, being by the surveyor-general duly sworn to depose in this private land claim, on his oath, declares:

Question by Samuel Ellison, attorney for claimants. What is your name, age, occupation, and residence?—Answer. My name is Agustin Gallego; my age is about fifty-five years; my occupation is farmer; and my residence is Preralta, in the county of Valencia, New Mexico.

Q. Do you know a place called the Ojo de la Cabra? and, if so, please state where it is situate and by whom owned.—A. I know such a place; situate in the county of Valencia, in the vicinity and east of the town of Peralta. The tract so called was owned by Juan Otero, now deceased, and since his death by his heirs, the same having been occupied and used for pasturing by him till his death, and by them since his death. I was Juan Otero's peon and worked for him upon this tract about three years, in or about the years 1842, '43, and '44. The land at the Ojo de la Cabra was always recognized by the adjoining settlers during the time mentioned and to this time as property of Juan Otero, and since his death as property of his heirs.

Q. Did Juan Otero or his successors make any improvements, and, if so, what improvements, upon this tract?—A. Senor Otero made improvements upon the tract. He built a stone dwelling-house upon it, for his herders residing upon the tract, at the spring and two large corrals, one for his horses and mules and another for his horned cattle, and planted many shade trees. He improved the spring situated upon the tract called the Ojo de la Cabra or Goat Spring, so as to utilize its water for his live stock, consisting of about five hundred head of cattle and two hundred head of horses and mules. The spring prior to his working upon it to utilize its water afforded but a small branch, which frequently dried entirely up, but afterwards it was by him made to flow permanently and furnish enough water for the use of his live stock.

Question by surveyor-general. Have you any interest in this claim, or in the land here claimed?—A. I have none whatever.

his
AGUSTIN × GALLEGO.
mark.

Sworn to and subscribed before me this March 17, 1875.

JAMES K. PROUDFIT,
Surveyor-General.

NEPOMUCENO ZAMORA, being by the surveyor-general sworn, on his oath declares:

Question by Mr. Ellison. What is your name, age, occupation, and residence?—Answer. My name is Nepomuceno Zamora; my age is about sixty years; my occupation is farmer, and my residence is Peralta, in the county of Valencia, in this Territory, where I have always lived. Formerly for many years I was a peon of Juan Otero, now deceased.

Q. Are you acquainted with a place in that county called the Ojo de la Cabra, or Goat Spring? If so, please state where it is situated, by whom owned, and all you know concerning the tract and this claim therefor.—A. I am acquainted with the place mentioned. It lies upon the east side of the Rio Grande, near to and to the east of the town of Peralta. I was a peon of Juan Otero, and worked for him several years at his said place, the Ojo de la Cabra, which was, I cannot say exactly in what years, but it was several years before the American occupation of New Mexico. He considerably improved the spring by causing it to furnish water sufficient for his live stock, consisting of some two hundred head of horses and mules and some five hundred head of horned cattle. The spring, before being improved by Otero, afforded very little water and the branch from it often dried up, but after being improved it wa thereby made to furnish much water and to run a permanent branch. Otero builsthree dams or water reservoirs for collecting for his stock the water from the spring. He built also two large corrals, one for the use of his horses and mules and the other for the use of his cattle. He also erected a house of two rooms for the use of his head herder and other herders.

Question by surveyor-general. Have you any interest in this claim or in the land here claimed?—A. I have no interest in any respect in the matter.

his
NEPOMUCENO × ZAMORA.
mark.

Sworn to and subscribed before me this March 17, 1875.

JAMES K. PROUDFIT,
Surveyor-General.

OPINION.

This claim for confirmation of a grant of land is brought before me under the eighth article of the treaty of Guadalupe Hidalgo and the eighth section of the act of Congress approved July 22, 1854, establishing this office.

The original record on file in this office is in the Spanish language and is no doubt authentic. It appears therefrom that on the 22d day of January, 1845, Juan Otero applied to the prefect of the third district of New Mexico, then a territory of the republic of Mexico, for a grant of land at the Goat Spring, to be two leagues square with the spring for a center. The petition was referred on the same day by the prefect to the local ayuntamiento, which body reported March 2, 1845, in favor of making a grant of one league of land. The perfect approved this report; it was forwarded to the governor for the action of the legislative assembly, and that body made the concession on the 15th day of March, 1845. The written act of possession seems to be lost, but the record otherwise appears to be prefect, and the proof submitted by present claimants shows that Otero was in peaceable possession before the American occupation, and that he and his heirs have so remained ever since.

I recommend that one square league of land with the Goat Spring at its center be confirmed by Congress to the legal representatives of Juan Otero, deceased, said land being situated in the county of Valencia, in the Territory of New Mexico.

I transmit the complete record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

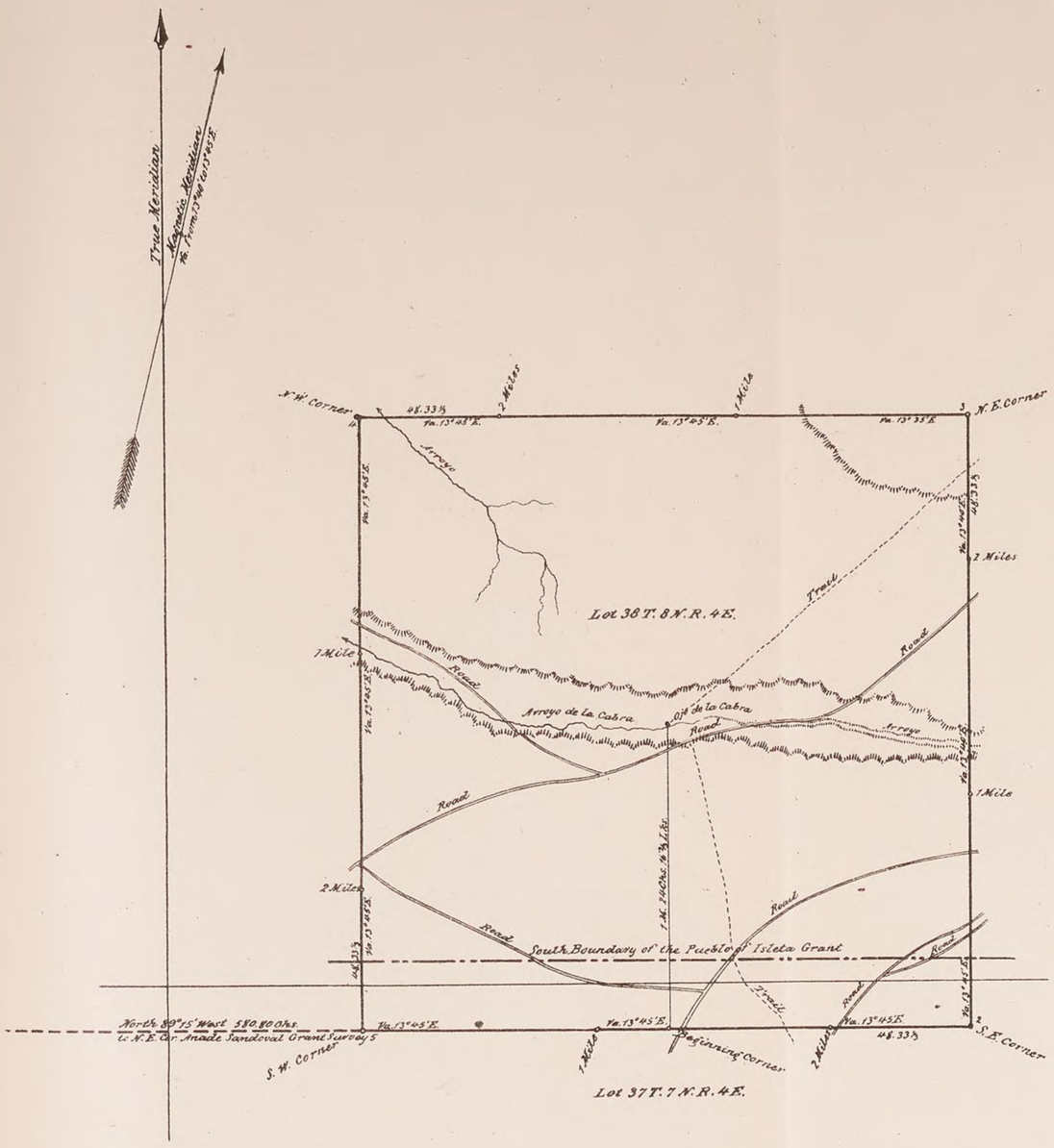
UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, July 13, 1875.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 31, 1878.

The foregoing thirteen pages is a correct transcript of the original papers on file in this office in private land claim reported as No. 106, in the name of Juan Otero.

HENRY M. ATKINSON,
Surveyor-General.

O



PLAT
of the
GRANT TO JUAN OTERO
for the
OJO DE LA CABRA
TRACT

Surveyed by Robert G. Harmon U.S. Deputy Surveyor

March 1879.

BOUNDARIES				
NO.	COURSE	DISTANCE		
		MS.	CHS.	LKS.
1	East	1	24	16⅔
2	North	2	48	33⅓
3	West	2	48	33⅓
4	South	2	48	33⅓
5	East	1	24	16⅔
	TOTAL	10	33	33⅓

Connecting Line 7 Ms. 20 Chs. 80 Lks.

Account for Cost

For surveying and platting Private Land Claim No. 106 the Grant to Juan Otero for the Ojo de la Cabra Tract.

Furnished the General Land Office by the Surveyor General of New Mexico, under the Commissioner's Instructions of June 29. 1877.

Cost of Surveying	$ 218. 03
Cost of Platting	24. 73
Total	$ 242. 76

SEN. EX. DOC. No. 85, 1st SESS., 47th CONG.

JUAN OTERO GRANT							
NO.	GRANTEE	GRANT DATED	GRANT APPROVED	DESCRIPTION LOT	TOWNSHIP	RANGE	ACRES
106	Juan Otero	March 15, 1845	July 13, 1875	37	7 N.	4 E.	4340.26
				38	8 N.	4 E.	

The field notes of the survey of Private Land Claim No 106, the grant to Juan Otero, for the Ojo de la Cabra tract, from which this plat has been made, have been examined and approved, and are on file in this office.

Surveyor General's Office
Santa Fe New Mexico
August 26. 1879.

Henry M. Atkinson
Surveyor General.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 86.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report of the Secretary of State of February 3, 1882, with accompanying papers, in response to Senate resolution of 12th ultimo calling for certain correspondence in the case of claim of Antonio Pelletier against the Government of Hayti.

FEBRUARY 3, 1882.—Read and referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, of this date, with accompanying papers, furnished in obedience to a resolution of the Senate of the 12th ultimo calling for certain correspondence in the case of claim of Antonio Pelletier against the Government of Hayti.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 3, 1882.

DEPARTMENT OF STATE,
Washington, February 3, 1882.

The Secretary of State, to whom was referred the resolution of the Senate of January 12, 1882, calling upon the President to communicate to that body, "so far as may be compatible with the public interests, a copy of the instructions to the minister of the United States in Hayti, of his notes to that government, and of his dispatches to the Department of State, not heretofore communicated, respecting the claim of Antonio Pelletier, a citizen of the United States, against the Government of Hayti," has the honor, in response thereto, to lay before the President the accompanying papers, embracing all the correspondence between the Government of the United States and the Government of Hayti since the publication of the correspondence submitted by Mr. Secretary Seward on the 3d of April, 1868, which was printed as Executive Document No. 260 of the House of Representatives, Fortieth Congress, second session.

Since that time the claim of Antonio Pelletier has been before Congress at different times in the form of memorials submitted by claimant, upon which action was had in committees. Reference may conveniently

be made to Miscellaneous Document No. 57, of the House of Representatives, Forty-second Congress, third session; to the Senate Report No. 425, of June 9, 1874, Forty-third Congress, first session; and to House Report No. 51, of January 11, 1878, Forty-fifth Congress, second session. Between 1868 and 1878 no correspondence on the subject of this claim took place between the two governments. The action of the House of Representatives, on the 11th of January, 1878, in adopting a resolution offered by Mr. Benjamin Wilson, "that the memorial of Antonio Pelletier, asking indemnity from the Republic of Hayti, together with the accompanying documents, be transmitted to the President of the United States, without recommendation," left the matter free for renewed Executive consideration of the claim, as presented to the Secretary of State on the 22d of January, 1878, by the claimant in a letter which is herewith transmitted as affording a convenient starting-point for the present installment of correspondence.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

The PRESIDENT.

LIST OF ACCOMPANYING PAPERS.

1. Mr. Pelletier to Mr. Evarts, January 22, 1878, with accompaniment.
2. Mr. Evarts to Mr. Langston, No. 23, April 12, 1878, with accompaniment. (See Ex. Doc. No. 260, H. R., Fortieth Congress, second session.
3. Mr. Langston to Mr. Evarts, No. 64, June 24, 1878.
4. Mr. Evarts to Mr. Langston, No. 50, December 23, 1878.
5. Mr. Langston to Mr. Evarts, No. 130, February 28, 1879.
6. Mr. Evarts to Mr. Langston, No. 61, March 24, 1879.
7. Mr. Langston to Mr. Evarts, No. 155, May 1, 1879, with accompaniment.
8. Same to the same, No. 313, December 26, 1879, with two accompaniments.
9. Mr. Evarts to Mr. Langston, No. 102, March 24, 1880.
10. Mr. Langston to Mr. Evarts, No. 251, April 20, 1880, with three accompaniments.
11. Mr. Evarts to Mr. Langston, No. 112, June 14, 1880.
12. Mr. Langston to Mr. Evarts, No. 295, July 24, 1880, with accompaniment.
13. Same to the same, No. 304, August 9, 1880, with accompaniment.
14. Mr. Hay to Mr. Langston, No. 127, August 17, 1880.
15. Mr. Evarts to Mr. Langston, No. 135, Nov. 3, 1880, with two accompaniments.
16. Mr. Langston to Mr. Evarts, No. 323, December 17, 1880.
17. Same to the same, No. 339, January 29, 1881, with accompaniment.
18. Mr. Evarts to Mr. Langston, No. 145, February 16, 1881.
19. Mr. Langston to Mr. Evarts, No. 350, February 25, 1881, with three accompaniments.
20. Same to the same, No. 356, March 3, 1881.
21. Mr. Langston to Mr. Blaine, No. 360, March 26, 1881, with accompaniment.

CORRESPONDENCE.

No. 1.

Mr. Pelletier to Mr. Evarts.

WASHINGTON, D. C., *January* 22, 1878.

Hon. WM. M. EVARTS,
Secretary of Department of State:

SIR: I beg leave to call your attention to the action of the House of Representatives on the 11th instant, on the report of the Committee on Foreign Affairs returning joint resolution No. 26, of present Congress, back to the House, with a substitute referring my claim against the republic of Hayti to the President for action, on the ground that under the Constitution the Executive is fully authorized to make the request contemplated by the resolution.

In connection with this action of the House, I desire to refer you to the fact that heretofore I have filed in your Department the evidence and arguments, both for and against my claim contained in Executive Document No. 260, of Fortieth Congress, second session; also Miscellaneous Document No. 57, of Forty-second Congress, third session.

I desire to further call your attention to the able report of the Committee on Foreign Affairs presented by Hon. B. Wilson to the House on the psasage of the substitute above mentioned, herewith filed. I ask your careful consideration of the printed argument of Judge T. J. Cason, in which he reviews the whole case and shows conclusively there should be prompt action by the government, which is herewith presented, and in connection therewith a printed index of the important points mentioned in Documents No. 57 and 260, above mentioned. I also desire to refer you to a letter of Hon. Wm. H. Seward, while Secretary of State, to me, asking that I would give him "a review of my case, showing the grounds upon which I claimed that the proceedings were irregular or illegal under the laws of Hayti for want of jurisdiction or other cause."

The letter bears date about August 1, 1864, and has never been printed in connection with this case. There is other evidence on file not printed, among which is the record of the purchase of the bark William, at Key West, under a sale by a United States marshal, the copy of the register of the ship, and the clearance of the vessel from Mobile, &c.

In a short review of my case, I wish to remind you that I became the owner of my vessel under a decree of a United States court directing its marshal to sell the vessel, purchasing her under full sanction of law, my government being a party and grantor in the sale, and embarked on my voyage of anticipated pleasure and profit in a legitimate manner and under the protection of the United States, as shown by the registry and clearance papers. I most respectfully but earnestly call your attention to the outrages committed by the authorities of Hayti upon my person and property and upon such of my crew as chanced to be American

citizens, as established by the evidence, and the total lack of valid excuse therefor.

It must be apparent to the mind of every one who carefully reads the evidence in this remarkable case, that the true motives of the Haytian authorities in their barbarous treatment of myself and American crew arose from personal animosity to myself, occasioned by the difficulty between us at Port-au-Prince, the desire to appropriate my property, coupled with a contempt for our government and a hatred expressed not only by their language, as quoted in Mr. Wilson's report to Congress in this case, but in their acts in discriminating in their persecutions of my crew and in many other ways. The animus displayed by the authorities is well illustrated in the disposition made of my vessel. It was first put up at auction and several thousand dollars bid for it, but, on pretext that the offer was insufficient, the sale was stopped and the vessel withdrawn. Soon afterwards, however, it was put up again for sale, and this time bid in by one Rivers, a partner of and for the use of the President of the republic, for the nominal sum of a few hundred dollars, although she had cost me about the sum of $35,000.

The vessel was afterwards used in the ice trade between Bangor, Me., and the island of Hayti, the President being at the head of a company that had a monopoly of the ice trade for that part of the island belonging to Hayti. The sale of my vessel for the use of the President and his ice company to carry on their monopoly was brought up in the Congress of the republic and severely condemned. I cannot now recollect exact amounts, being in prison at the time of the occurrence, but the offer for my vessel in the first place was several thousand dollars, and it was afterwards sold for only a few hundred; the records of the Congress will, however, show the whole matter. I think it was in the session of the winter of 1861 or 1862. I desire to further state a few facts not heretofore presented under oath, which, owing to a multiplicity of points, have been overlooked. The French vice-consul Mennan, at Cape Haytien, who acted so injuriously against me at Port Leberti, presenting his pistol at my head among other insults, was, on the report of his proceedings to his government, censured and removed from his office on account of his conduct towards me, and his successor was one of my best friends from his first arrival at his post and was constant in his efforts to assist me and furnished me with money.

Mr. Dujarden, secretary of legation, in charge of the French legation, in the absence of the French minister, and who signed a letter with the foreign ministers and consuls (except Mr. Lewis, American consul) to the secretaries of the Haytian Republic refusing to assist me or in any manner to protect me, was censured by his government for his course in the matter, and the Marquis de Forbin Janson, minister plenipotentiary from France to Hayti, sent said secretary to me on his return from France to say that the government repudiated his course and had instructed the minister to protect me and that he would visit me the next day in prison and determine what course would be best to pursue; but to avoid the minister seeing me I was taken out of the prison at Port-au-Prince at 3 o'clock in the morning and marched over land, nearly naked, sick, and feeble, so I could scarcely walk, often falling down, and was taken to Cape Haytien, but afterwards said minister aided me in person to escape from the hospital, and helped secrete me at the French consulate until different arrangements were made, and also went with me in person when I was put on board of the Spanish steamer, giving me money to assist me in my escape. He also stated to me that if I had been a

French subject I would soon have been released; he made this statement, being familiar with all the facts of my case. Also, Mr. St. John, minister fron England to Hayti, was not in the republic when the letter of the Foreign ministers and consuls to the secretaries of Hayti was signed, but on his return to Hayti was my friend, assisted me in many ways, giving me money, aiding me in my escape, and in fact as soon as my case was understood I was assisted and befriended, and assisted by all the foreign ministers and consuls *except the one* person, and that was G. Eustice Hubbard, commercial agent of the United States.

As to the question of kidnapping persons and selling them into slavery, if we leave out the question of the absurdity of such a charge, the distressed condition of my vessel, the fact of having no provisions or other necessary articles on board for such a purpose, the fact of having on board over $50,000 in gold dust and coin, of which I must run the risk of confiscation yet if I had intended any such act I had taken on board at Grand Inaqua for the purpose of breaking ballast from ten to fifteen persons of color, and I was driven to sea by the winds, beating about for ten days endeavoring to get back, being at one time close to the shore of the island of Cuba, but finally succeeding in overcoming the adverse winds, I got back, landed the persons and paid them for the entire time they were on board, notwithstanding I had been driven away by the winds against my will and the hands had been idle. Surely this does not look as I designed to capture persons, for I certainly had a good pretense for keeping those I landed, on board, if I had desired to have carried them away; beside, it was on my landing these persons that my pilot put my vessel too near a reef, and my cable parting, the vessel was thrown on the reef, where I lost my anchor, rudder, false keel, &c., leaving my vessel unmanageable, and this was the cause of my having to seek a port to repair my vessel and was driven into Port Liberte.

The charge of piracy was attempted to be sustained against me by the suppression of my ship's papers and a combination of bribery, perjury, and the strong arm of the government in imprisoning witnesses who persisted in telling the truth, lawyers who dared to defend me, and judges who ventured to assert the law, unparalleled in the history of any civilized nation.

The charge was made not for any act done to a citizen of the Haytien Republic nor within its jurisdiction, but for an act claimed to have been committed within the territory of Great Britan, a nation fully capable of protecting itself, nor did the Haytien officials in any manner notify the authorities of the United States of the commission of the crime as was due by international comity, if any such crime had been committed.

The reason of such omission is obvious from the facts shown. You will pardon the importunate manner in which I urge my rights, for it seems to me I am warranted in so doing. These outrages occurred seventeen years ago, and I have endeavored ever since my escape from the clutches of these people, through the interposition of the officials of foreign nations, to obtain redress, but so far unsuccessfully. In the mean time, bankrupt in fortune caused by the action of the authorities of Hayti, prostrated in the loss of my family and health by the same cause, old age has grown upon me, wherefore I most earnestly represent that it is not only due to me personally that such redress should be demanded, but for the honor of our government and for the protection of other American citizens.

ANTONIO PELLETIER,
1108 *Sixth Street, N. W.*

CITY OF WASHINGTON,
District of Columbia, ss:

Personally appeared before me, Wm. H. Chase, a justice of the peace within and for said city and District, Antonio Pelletier, well known to me to be the identical person whose signature is attached to the foregoing letter, and, being duly sworn, says that the matters and things stated in the foregoing letter to be of his own knowledge are true in substance and in fact, and those things stated on the knowledge of others he has reason to believe and does believe to be true.

In witness whereof I have hereunto set my hand and judicial seal this twenty-second day of January, A. D. 1878.

WM. H. CHASE,
Justice of the Peace.

[Extract from Congressional Record, January 12, 1878.]

ANTONIO PELLETIER.

Mr. WILSON, from the Committee on Foreign Affairs, reported adversely joint resolution (H. R. No. 26) to authorize the President of the United States to request the Republic of Hayti to indemnify Antonio Pelletier, which was laid upon the table, and the accompanying report ordered to be printed.

He also, from the same committe, reported the following:

Resolved, That the memorial of Antonio Pelletier, asking indemnity from the Republic of Hayti, together with the accompanying documents, be transmitted to the President of the United States, without recommendation.

Mr. CLYMER. Is that a unanimous report of the committee?

Mr. WILSON. It is.

The SPEAKER. The Chair would suggest that this perhaps had better be a joint resolution.

Mr. WILSON. If in the opinion of the Chair it should be a joint resolution, I would ask that it be so amended. I had supposed that a simple House resolution was sufficient.

Mr. GARFIELD. I desire to reserve all points of order until some explanation can be made.

Mr. WILSON. The joint resolution which was referred to the Committee on Foreign Affairs was predicated upon a memorial of Antonio Pelletier, who alleged that his property was spoliated and he was arrested and imprisoned while in Hayti, and he asked Congress to recommend to the President to demand indemnity of the Republic of Hayti. The committee have directed me to report back adversely the joint resolution upon the ground that the House has not jurisdiction of the question, and also to report a simple House resolution referring the papers to the President, without recommendation.

The SPEAKER. Although the Chair suggested that this should be a joint resolution, the Chair is of opinion that the House has the power to pass a simple House resolution upon this subject.

The resolution was then adopted.

Mr. WILSON. moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

No. 2.

Mr. Evarts to Mr. Langston.

No. 23.] DEPARTMENT OF STATE,
Washington, April 12, 1878.

SIR: I transmit herewith a copy of Executive Document* No. 206, House of Representatives, Fortieth Congress, second session, which, together with documents and papers already on file in your consulate-

*Inclosure. See document mentioned,

general, will put you in possession of the necessary information in relation to the imprisonment of Antonio Pelletier, a citizen of the United States, by the authorities of Hayti, for a period of nearly three years, and the confiscation and appropriation, by the same authorities, of his vessel, the American bark "William," with a large amount of valuable property, consisting of gold-dust, gold and silver bullion, coin, diamonds, maps, charts, compasses, chronometers, and articles incident to the navigation of vessels. These occurrences transpired during the years 1861, 1862, and 1863, Captain Pelletier having been arrested and imprisoned in February, 1861, and kept in close confinement until November, 1863, when he succeeded in making his escape by scaling the walls of the prison hospital, and through the assistance of the British consul, the French consul, the Spanish consul, Mr. Whidden, the United States commercial agent at Port-au-Prince, Father Pascal, a worthy Haytien clergyman, Mr. Listant, and other kind and humane friends, made his way to Kingston, Jamaica, from where he was enabled finaly to reach the United States.

The circumstances attending Mr. Pelletier's arrest, imprisonment, trial, and condemnation to death were reported to the Department in 1861 by Mr. Hubbard, then United States commercial agent at Cape Haytien, and, attributable, as it is now believed, to partial and incorrec information on the subject, were represented by Mr. Hubbard in a light unfavorable to the interests of Pelletier. Subsequently, in 1862, and while Pelletier was undergoing the barbarous treatment of which he complains, Mr. Whidden, commercial agent at Port-au-Prince, upon a full examination of the facts and circumstances, many of which transpired under his own immediate observation, reported to the Department, justly reprobating the conduct of the authorities toward Pelletier, and commending the case earnestly to the interposition of this government.

The necessary inquiries and examination of the matter took time, and pending these the claimant in November, 1863, madeh is escape from Haytien jurisdiction, and it was not until his return to the United States that he was able to recognize the full consequences of his arrest, imprisonment, and the confiscation of his property at the hands of the Haytien authorities. Finding himself, as he states (and as the facts go far to establish), ruined in fortune and health, he accordingly prepared a careful and detailed statement of the facts and circumstances of his case, and in a memorial, dated the 16th of July 1864, presented his claim to the Department, with a demand for pecuniary indemnity against the Haytien Government, accompanying his memorial with such proofs in support of the claim as were then available to him. The pressure of public affairs during the years referred to, 1862–'63–'64, and for some time after, owing to the civil war then being waged in the United States, was such as to absorb the entire attention of the government, and in a great degree rendered it necessary to suspend for a time the prosecution of all claims of private citizens of the United States against foreign powers or their subjects or citizens; and this fact may be deemed sufficient to account for the non-action of the Department during this period in regard to the claim of Captain Pelletier, and when in 1871 the claim was again brought to the attention of the Department, it was found to be then pending before Congress. That body have by resolution called for the correspondence on the subject, which resolution was responded to by the transmission of the papers embraced in the document, a copy of which I now transmit. The subject has recently been referred back by Congress to the President (House resolution of January 11, 1878), and a careful re-examination of all the facts and circumstances has been

made; and upon a report of the result of that examination, submitted by the law officer of the Department, it has reached the conclusion that the proceedings of the Haytien authorities toward Captain Antonio Pelletier on the occasion referred to were unwarranted by principles of public law; were, moreover, prosecuted with a degree of harshness and cruelty wholly inconsistent with the practices and usages of civilized nations, and strangely at variance with the treatment which this government had a right to expect for its citizens from the authorities of a neighboring republic between which and the United States the most friendly relations had always been maintained.

A careful examination of the evidence adduced on the trial of Pelletier and his associates, so far as it is now before the Department, wholly fails to establish against them the charge of piracy, upon which he was tried; and the principal witnesses brought forward by the government, Cortez and Miranda, show but too clearly by their whole conduct that they are unworthy of credit. These with other circumstances developed by the record of the proceedings, amongst them the denial of counsel to the accused, and the intimation, and, in one instance at least, the imprisonment of counsel who undertook to appear for them, go far to show that Captain Pelletier and his associates did not have a fair and impartial trial. The Department finds itself equally at a loss to understand upon what grounds, either of public or municipal law, the seizure, sale, and absolute appropriation by the Haytien authorities of the large amount of valuable property of Pelletier can be justified.

It is probable, however, that the Department may not be in possession of all the facts in relation to the matter, and it is therefore desired that from the documents now transmitted, from such as may be found amongst the archives of your consulate-general, from the judicial records of the Haytien tribunals, and such other sources of information as you may find available, *that* you will make a careful investigation of the case, and so soon as that shall be accomplished that you will forward to the Department a report showing the results of your inquiries, when you will be further instructed as to what, if any, measures the president may deem it proper to adopt with a view of securing indemnity to the claimant for the losses which he has suffered in consequence of the proceedings of which he complains.

I am, &c.,

WM. M. EVARTS.

No. 3.

Mr. Langston to Mr. Evarts.

No. 64.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, June 24, 1878.

SIR: Your dispatch numbered 23, with its accompaniment, Executive Document No. 260, the former bearing date April 12, 1878, both having reference to the arrest, trial, sentence, and imprisonment of Antonïo Pelletier, and the confiscation of his property, by the Haytien Government, has been given due consideration, and such investigation as seems, under the circumstances, practicable.

The conclusions which I have reached in this case are predicated mainly upon the statements of Mr. Linstant Pradine; the records of the court of cassation as found in an authentic book of reports pre-

pared and published by Mr. Pradine, under government patronage; the reports of the case as found in the official gazette of the government of the date of its occurrence; the correspondence of the Department had with M. B. F. Whidden; and the correspondence of the Haytien Government had with the same person, after his appointment of commissioner near this government. There is no record of the case, or of proceedings had with respect to it, to be found in this legation or consulate-general. "A few letters from the Haytien Government, and four from the late Hon. William H. Seward, your distinguished and worthy predecessor, with the letter of Mr. Hubbard," to which are appended certain affidavits, and letters of Mr. Pelletier, compose the sum of all papers having to do with this case on file in my office. I have been advised, and believe, that the records of the criminal court of this city, in which Captain Pelletier was tried, including the records of his own case, and covering all the records of that court from 1860 down to 1874, have been destroyed by fire. And I have been advised and believe that the records of the court of cassation for the period covering this case and all proceedings had therein down to 1860 have also been destroyed by fire. I have already stated, however, that I have found the record of the proceedings in this case, including the judgment of the courts, in an authoritative form in the reports and official journal.

It is to be regretted that we have no record of the case in this legation. I have concluded that it might be wise to transmit, herewith inclosed, two dispatches, one from the Department, marked "A," and the other marked "B," the copy in translation of a dispatch from the Haytien Government.

Linstant Pradine, whose name I have already given, is without doubt the first lawyer of this republic. A man of age, extended and varied experience in professional and official life, he is a lawyer of large and comprehensive reading and thought, and, withal, a candid and conscientious man. He was Captain Pelletier's attorney; he is his personal friend; and, perhaps, it was more due to his advice and efforts Pelletier escaped from the cruel imprisonment which had been adjudged his punishment in part, than any one else. But after many years have passed, and the ardor of the advocate has abated, the warm sympathy of the friend no longer dimming his vision nor animating his conviction, and the facts and the law, as well as the considerations of justice which pertain to the case, can be considered by him, in the light of a good understanding, without predilection and without bias superinduced by relationship of friend or client, he declares to me that he has no change or modification of opinion to offer with regard either to the law or facts in the case; that he holds now, as heretofore, that under the law as it existed in 1861 the courts of this country could not try Pelletier; that all the proceedings had in the case are illegal; his imprisonment unjustifiable; the confiscation of his property without legal justification; and that, in view of the law and facts, his claim against the Haytien Government is well founded. His testimony to this end, as touching the arrest, trial, conviction, and imprisonment of Pelletier, as well as the confiscation of his property, is clear and positive. And his statement with regard to the manner of his trial; the treatment of counsel; the refusal of the government to return to Pelletier the register and other papers belonging to his vessel, such papers, as claimed by Pelletier, if produced, tending to show his innocence; with regard to the purposes of the government, discoverable in everything connected with the trial, for political reasons, to convict Pelletier, at all events, is just as clear and positive, and given without the least reservation.

The several papers contained in Executive Document No. 260, purporting to have been written and signed by Mr. Pradine, and by him sent to Captain Pelletier, or to his attorneys, to be used for the purpose of enabling him to bring his case truthfully before the government, are recognized by him, in their translations, as his, and their identity and authenticity affirmed.

The reports of which I have made mention, known as "Bulletins des Arrêts du Tribunal de Cassation," contain in full the opinions, the judgments, and orders of the court of appeal, the supreme court of the country, into which court the case of Pelletier finally came for consideration. The reports bearing the title given are regularly numbered; and this case appears in them for the first time, in No. 32, 1861. The civil parties thereto had appealed from the judgment of the criminal tribunal of Port-au-Prince, because the court held that, by reason of their quality of foreigners (qualité d'étranger), they could not be made parties to the suit; and the case is mentioned as having been considered, on the 24th day of August, 1861, when the judgment of the court below was annulled, while in No. 33, of the same year, 1861, the case is reported twice; first, September 16, 1861, as considered upon plea of the civil parties thereto, having reference to the matter of assessing costs; and secondly, October 14, 1861, upon the demand of Antonio Pelletier and his confederates, that the judgment rendered August 30, 1861, by the criminal court of Port-au-Prince, be annulled. At this time, and in this court, the case seems to have been fully argued and considered.

It seems that the judges addressed themselves to the case in all earnestness, while the appellants appear to have been represented by the most competent members of the bar. In delivering their opinion, the court cultivates seemingly critical and comprehensive understanding of the law; and, by judging that the under court had transcended its authority in pronouncing death against Pelletier, annuls the sentence so far and sends him to the criminal court sitting in Cape Haytien, which, without the assistance of the jury, should enforce the sentence of the law, basing its judgment upon the verdict already found and upon the law of 1815. This opinion, as reported in the Bulletin mentioned, is substantially presented, in every material and essential feature, in the translation as given of it on pages 108, 109, 110, 111, 112, 113, and 114 of Executive Document No. 260.

The dispatches of the Department, written by the late Hon. William H. Seward, on file in this legation, indicate, in very decided manner, that Captain Pelletier did by his own acts render himself amenable to Haytien law and answerable in Haytien courts. His No. 18 is published in Executive Document No. 260. His No. 36 is herewith inclosed, marked as indicated.

The dispatches of Mr. Whidden, as published, discover commendable zeal and earnestness in investigating the case, in doing what he might to impress the government with its urgent importance, and to relieve the hard condition of Captain Pelletier. They do more. They discover the conscientiousness with which he makes his investigations, and show that although he came into the country as the representative of our government subsequently to the arrest of Captain Pelletier, he had good opportunity and means of investigating this case. And his conclusions as stated in his dispatch numbered 11, as published in Executive Docu- No. 260, pages 6 and 7, seem, on the whole, to be those of an intelligent, discreet, and honest man. But his dispatches are not of record in this legation.

With regard to the statements of Mr. Hubbard, upon which Mr. Sew-

ard appeared to rely, I cannot speak; for I have no means of making investigation as to their correctness or otherwise. Mr. Hubbard speaks positively and, especially as to Captain Pelletier's conduct in and about Fort Liberté, from personal observation and knowledge; and I believe his statements are admitted to be true. His statements should, however, perhaps, in view of all the facts of the case, be taken with some little qualification. But were they taken as true, in the light of the law as it then existed, and the facts connected with the arrest, trial, and imprisonment of Captain Pelletier, can the action of the Haytien Government, in the premises, be justified?

The law of April 8, 1815, of this country, having to do with piracy, when this case occurred, the law under which Captain Pelletier was put on trial, reads, as translated, as follows:

1. Every individual charged and convicted of piracy, and who has committed assassination upon the sea, upon no matter what vessel, shall be punished with death, his vessel and all his property confiscated to the profit of the republic.

2. Every individual charged and convicted of piracy, and who shall not have committed assassination, shall be condemned to five years in irons, and in case the offense is repeated, to ten years in like manner in irons.

3. The punishment of death shall be equally pronounced against strangers who shall come under articles 7 and 8 of the present law, and who shall commit assassination.

4. All foreign pirates who shall land upon the shores of the republic, or who shall be taken by the coast guards of the state, shall be equally punished with death, if they shall have committed assassination upon Haytien vessels or upon those in relation of commerce with the republic. In that case only does the senate derogate from article 5 of title 1 of the law of 24 August, 1808. And the article referred to reads as follows:

5. The crimes committed by foreign seamen, upon their own vessels, as acts of revolt, sedition, or other criminal cases, which do not injure the interests of the country, shall not be prosecuted in Hayti; nevertheless, the examination of the case may be made by the courts of first instance, upon the request of the captain, the mate, or supercargoes of said vessels; but in each case the punishment shall not be pronounced; the accused shall be sent to their country to be judged.

But this law was fully considered by the tribunal of cassation, after it had been explained and elaborated by the learned attorneys who appeared on behalf of Captain Pelletier. The judges held that the Haytien tribunals had properly taken jurisdiction of the case, and might inflict the punishment denounced by the law of the country in the case of piracy; and that under the law the court had the power to order, and did order, the sale of his general and personal property, including, of course, the vessel. This decision has not been disturbed; and in 1862 a law, in its scope and aim covering all such cases, was enacted, and is now in vigor.

Having dwelt at length upon the record of this case, as made in the court of cassation, the proceedings in this tribunal being predicated upon action had in the criminal court of Port-au-Prince, it becomes unnecessary to animadvert specially upon the proceedings of the latter tribunal further than to say that the proceedings there seem in the main to be regular, the only questions pressed before that court, on behalf of the defense, being those which pertain to jurisdiction and the kind and measure of punishment to be inflicted, both of which matters

were subsequently considered and determined in the upper court, partly in favor of and partly against Captain Pelletier.

I find then, as material circumstances connected with this case, the following facts and considerations:

1. This case has been considered by the Department, and, in fact, disposed of against Pelletier, thus maintaining the action of the Haytien courts and government.

2. It was disposed of, too, by the Department, mainly in view of testimony furnished by our own agents.

3. Its disposition has long ago come to the knowledge of the Haytien Government; and that government certainly understands well the facts upon which its disposition was based.

4. Now, if the case is to be re-examined, is it not true that the burden rests upon our shoulders to explain and refute the evidence and the law upon which the Department based its decision? Can this be done? The main facts still stand, and it cannot be denied, that the circumstances do show a condition of things militating in no unimportant sense against Captain Pelletier. I mean only that they throw serious suspicion upon him.

5. But it is conceded that he did not commit assassination upon the sea. Is it proved that he did commit robbery? If not, has the law of the state whose tribunals took cognizance of the case been properly construed and enforced? If it has, had the state right to make such law, and attempt its enforcement in such cases, under the circumstances? I understand that the Hon. William H. Seward, in the dispatches already adverted to, responds affirmatively to both these inquiries.

6. But in view of the definition of piracy, as given by such excellent authorities as Kent and Wheaton, as defined by the law of nations, may not all the facts as alleged in this case be admitted, and it be claimed still that Captain Pelletier has not been shown to be guilty of piracy, according to such definition? and that his imprisonment and the confiscation of his property are entirely illegal and unjustifiable; and, therefore, that his claim for damages, for reimbursement for property illegally appropriated, is just and well founded? I apprehend that this proposition will not be controverted, that the law enacted by any nation or state, with reference to piracy and its punishment, to be sustained, must accord with and be embodied in the definition of piracy, as given in the law of nations; and to sustain the charge of piracy, proof must be made of those facts and circumstances which are essential to its existence; proof must be made, in the language of the law, of "robbery or forcible depredations on the high seas, without lawful authority, done *animo furandi*, in the spirit and intention of universal hostility."

Upon a full investigation as I have been able to give this case, I have concluded that it would prove, under the circumstances, difficult of management and of uncertain result, especially in view of the position already taken by the Department with regard to it.

All that I have indicated as to law and fact favorable to Captain Pelletier may be true; but how shall the statement of Mr. Hubbard be overcome? How shall the decision of the Department, as presented in the dispatches of Mr. Seward, be set aside?

My investigations confirm the statements, if they do not add new facts to those found in Executive Document No. 260, so far as such statements regard judicial action and the records of the courts, in that respect—the imprisonment of Captain Pelletier, and the confiscation of his property.

With sentiments of very high regard, I am your obedient servant,

JOHN MERCER LANGSTON.

A.

Mr. Seward to Mr. Whidden.

No. 136.] DEPARTMENT OF STATE,
Washington, November 30, 1863.

SIR: Your dispatch No. 46 has been received, and has been taken into consideration, with the papers already in the Department relative to the case of Captain Pelletier. The conclusion reached is, that the proof of the citizenship of that person is not sufficient to warrant an interposition in his behalf. But, allowing the reverse to be the fact, his conduct in Hayti and on its coasts is conceived to have afforded the reasonable ground of suspicion against him on the part of the authorities of that republic, which led to his arrest, trial, and convictron in the regular course of law, with which result it is not deemed expedient to interfere.

I am sir, your obedient servant,

WILLIAM H. SEWARD.

B.

Mr. Damier to Mr. Whidden.

[Translation.]

OFFICE OF THE SECRETARY OF STATE,
FOR THE DEPARTMENT OF FOREIGN AFFAIRS,
Port-au-Prince, October 31, 1863.

Mr. COMMISSIONER: I have received your letter of the 28th instant, together with the note therein inclosed. These documents treat of the matter of reclamation of the personal effects of Pelletier, condemned for piracy.

All that relates to the affair of Pelletier was the subject of our conversation yesterday; and the result of our interview of to-day is substantially the same as the answer that I have to make to your demand.

Pelletier has been legally tried; he is now suffering under sentence; and results from all the documents of the procedure, that you are not ignorant that the government of the Republic has no restitution to make to this condemned man.

I will repeat what I have already said to you, that copies of the documents have been sent to chargé d'affaires at Washington, and communicated to the Hon. Mr. Seward, Secretary of State of the United States. The government is convinced that the matter will be, as far as the American government is concerned, an object of justice and equity.

Please accept, Mr. Commissioner, the assurance of my high consideration.

The Secretary of State for instruction, charged, ad interim, with the portfolio of Foreign Affairs:

DAMIER.

Mr. B. F. WHIDDEN.
Commissioner of the United States, Port-au-Prince.

No. 4.

Mr. Evarts to Mr. Langston.

No. 50.] DEPARTMENT OF STATE,
Washington, December 23, 1878.

SIR: Your dispatch No. 64 of June last, relative to the complaint of Antonio Pelletier against the government of Hayti, was duly received. It is in reply to the instruction of this department of the 12th of April, in which the opinion was expressed that that complaint was well-founded, for the reasons assigned. You were, however, directed to furnish such further information upon the subject as might be within your reach or which might modify and confirm that opinion. Your researches for this

purpose do not appear to have been successful. This may, in part at least, be imputed to the destruction by fire of the records of the court at Port au Prince, of which you speak. A further examination of the subject, however, in connection with the papers now here, has tended to strengthen the views expressed in the instruction above adverted to; and to lead to the conviction that the result of the proceedings against the claimant was such a flagrant denial of justice as to warrant and require that this government should demand amends in his behalf. The supposed difficulty which you seem to apprehend in managing the case may be appreciated from the lapse of time since it originated, and from the opinion expressed by Mr. Secretary Seward in his instruction to Mr. Whidden, your predecessor of the 30th November, 1863: that as Pelletier was convicted in the regular course of law, it was not deemed expedient to interfere in his behalf. That decision may have been, and probably was, a correct one at the time and under the circumstances in which it was pronounced. The facts, however, which have since come to the knowledge of the department are believed to justify the different course which you are expected to take.

Mr. Seward seems to have had doubts as to the real nationality of Pelletier. He was acknowledged to have been a native of France, and unless he had been regularly recognized here he had no right to our intervention in his behalf. His certificate of naturalization is represented in a protest of his of the 21st of June, 1861, to be dated the 2d of November, 1852.

It purports to be given at length on page 85 of Executive Document No. 260 of the second session of the Fortieth Congress, and there bears date the 6th of October, 1862. As Pelletier was in Hayti at the last date, the variations referred to in regard to the time of his naturalization seemed to require explanation. Consequently, on the 17th of July last, a letter was addressed to the clerk of the proper court at New York asking for an attested copy of Pelletier's certificate of naturalization. This request was promptly complied with. It appears that the real date was the 6th of October, 1852.

The undisputed facts in the case are believed to be as follows:

In August, 1860, Pelletier bought at auction at Key West the bark William, a condemned slaver. It is not unlikely that the previous employment of this vessel may have led to the suspicion that it was to be continued by her new owner. He took the bark to Mobile and transferred the title to her to E. Dulauny, of the firm of Dulauny, Rice & Co., of New Orleans, of which he was a partner. Pelletier loaded the vessel with lumber and sailed for Carthagena, Colombia, where he arrived in November, 1860. When he reached there he found a revolution in progress, which prevented him from selling more than a small part of the cargo. After staying about two weeks at Carthagena, he cleared for Rio Hacha, in the same country, taking as passengers one Binar, a colored man and a political refugee, and Mr. Juan Cortez, his wife, child, and servant. Cortez had on board a quantity of merchandise as freight which he represented to be his own property. In consequence of the prevalence of strong northeasterly winds, the vessel got so much out of its course for Rio Hacha that Cortez became so alarmed on account of the delicate state of his wife's health that he insisted upon the vessel's making for the first accessible port in order that he, his family, and effects, might be landed. The vessel consequently put into the Island of Grand Cayman, on the 17th of December, 1860. Pelletier went at once with Mr. Cortez to Mr. Eden, the United States consular agent, and noted his protest. The next morning Cortez and his family landed. Pelletier

then asked Mr. Eden, as his consignee, to settle with Cortez and to require him to take his goods from the vessel. The account of Pelletier against Cortez was furnished to Eden, but the former having no money, the latter proposed to him to place the merchandise on board of a schooner of his own, pay Pelletier's bills and take him and his family in the schooner to Jamaica. Some of Cortez' property, however, having been found to be damaged by sea-water, the whole was sold at auction. The bids not being satisfactory to Cortez, Pelletier, at his instance, bought the property for $1,000. Cortez made an affidavit before Eden that he was the sole owner of the goods, and the consular agent gave Pelletier a certificate of the whole transaction under his official seal.

On the 24th of December, the William cleared from Grand Cayman for Port-au-Prince, Hayti, where she arrived after the middle of January, 1861. Pelletier, being unwell, took lodgings on shore at a hotel. His consignees sold to the government two kegs of powder, all he had on board, and that part of the cargo which consisted of tobacco. Pelletier also sold to Figaro, a hotel-keeper, eight out of twelve revolvers on board the vessel. The lumber was sold to the son-in-law of President Geffrard. One night, when enough of it had been delivered to give access from the hold to the bulkhead which separated the storeroom, unruly members of the crew broke into the latter, stole liquor with which they became intoxicated, and threatened the lives of the mate and the custom-house officers on board. The latter, with Binar, the passenger, fled from the ship for safety. The mate shut himself up in his stateroom. In the morning the mate escaped, went on shore, and gave Pelletier information of the disorderly proceedings on board. Mr. Pelletier sought Mr. Lewis, the United States commercial agent, who applied to the authorities, and five of the sailors known to have been active in the stealing and mutiny were lodged in prison. In the evening Binar applied to Pelletier for money to pay his passage to the Spanish Main. This Pelletier refused to do for reasons assigned. The next morning Binar addressed a letter to Pelletier, stating that as he had ordered him off his vessel he must provide for his maintenance, and demanded $100, which, if refused, he threatened should cost Pelletier a larger sum. Pelletier showed the letter to Mr. Lewis and to two eminent lawyers, who advised him to pay no attention to it. Pelletier afterwards learned that on the same day Binar denounced him to the authorites as a slaver, and as making false reports as to his cargo, arms, and ammunition, almost all of which latter had been sold to the government itself. In the evening of that day a large force of armed men went on board of the bark, and broke open boxes and closets. They were under the command of Carrie, the military governor of the place, and were accompanied by J. J. Lilavois, the captain of the port, and the commander of police, and a force of about thirty armed men. They found three hunting-guns, half a pound of powder, some cartridges of small shot for bird-hunting, and eight pairs of handcuffs, which had been provided to enforce discipline among the crew. They, however, left the vessel without taking the articles with them. Carrie, with his posse, however, having returned to the vessel the same night, the mate, with those of the crew on board, went ashore to inform Pelletier, who at once entered his protest before Mr. Lewis. In the morning the latter addressed a letter to the minister of foreign affairs on the subject, stating that Pelletier had been obliged to abandon the vessel with a large amount of property, money, and bullion on board, and that the Government of Hayti would be held accountable. The minister replied that it was a proceeding of the police about which he knew nothing. Soon

afterwards Mr. Lewis was invited to call upon the President, which he did, taking Pelletier with him. The President said he also was ignorant of the proceedings. He sent for General La Motte, minister of police, who came, and was reprimanded by the President. The latter then said to Pelletier that he hoped he would take his vessel back, which he at first declined, but at last, upon the advice of Mr. Lewis, he consented to do. La Motte, however, kept possession of the vessel for four days longer, when he was peremptorily ordered by the President to give her up. A sworn estimate of the damages on the vessel, while in the occupation of the police, was then made, which amounted to $6,000, but President Geffrard offered only $2,000, which Pelletier refused to accept. La Motte then obtained, as Pelletier says, by bribery of the sailors in prison, affidavits from them against the vessel. Similar bribes were offered to others of the crew, as is shown by affidavits on file. The Haytians represented that Pelletier had a hundred water-casks on board, but he says that he had only eight. The minister of foreign affairs addressed a note to Mr. Lewis, accompanied by the depositions of the sailors in prison and by that of Binar, and repeated his charges that Pelletier was a slaver, that his papers were not regular, and that he had handcuffs and water-casks on board for a slaver. Mr. Lewis replied denying the charges for reasons assigned. Pelletier then brought suit against Binar for libel, but he escaped by flight.

The William cleared for New Orleans the latter part of February, 1861. On getting to sea Pelletier found that she did not steer well for want of ballast. He consequently put into Grand Inagua to procure this. The United States consular agent there advised him to go to Man-of-War Bay for it. While taking it in there a gale arose which obliged him to slip his chains and go to sea, leaving his two best anchors. Having returned to Grand Inagua to restore to their homes laborers whom he had been obliged to take to sea when driven off, the pilot anchored the vessel too near the reef. In trying to get room to run out, the vessel grounded on the reef, and remained there pounding for eighteen hours, when at last she was cleared at a high tide. The false keel was, however, lost, and the fastenings of the rudder were broken. Pelletier then tried to reach a port on the Spanish part of St. Domingo, where he might make necessary repairs. When he arrived off the northern coast of that island he supposed he was near Puerta Plata. He then raised a small French flag as a signal for a pilot, but none having appeared, he entered a port where he was alarmed to find the Haytian flag was flying. He consequently determined to feign that his vessel was a French vessel named the Guillaume. After anchoring, a boat came off with the captain of the port, who said that they were at Fort Liberty, Hayti. Pelletier reported his vessel as the French bark Guillaume bound from Havana to Havre, in distress, and added that he wished for a blacksmith to restore the fastenings of his rudder. He then had a note written to General Gourgue, commanding the place, stating that he was aware the place was not open to commerce, and asking leave to employ a blacksmith and to fill four casks with water, which was granted. The next day General Gourgue visited the vessel and said to Pelletier that if he wished to visit the French consul at Cape Haytien he might have a seat in his carriage with his son, who was going thither that evening. Pelletier declined the offer, owing to the disabled condition of his vessel. Gourgue then said that he might at least write to the consul. Pelletier then directed his clerk to write to the consul, stating that he would sail the next day, and call on him personally. The clerk did as ordered. In the night of the third day after the arrival of the William at Fort

Liberty, Mirada, a sailor whom Pelletier had shipped at Port-au-Prince, and whom he had flogged at Grand Inagua for misconduct, stole one of the boats and escaped to the shore. There he made a deposition against Pelletier for falsifying his nationality. An attempt was then made to get to sea with the vessel. This, however, was defeated by her grounding on a reef after she had proceeded a short distance. In this position she was seized by the authorities and taken back. He then met Mr. Menau, the French consul at Cape Haytien, who was indignant at his assuming French nationality, and who having turned him over to the Haytian authorities, he was at once lodged in jail. He then applied for protection to Mr. G. E. Hubbard, the commercial agent of the United States at Cape Haytien, who refused it, assuming Pelletier to be criminal, and even charging him with piracy.

The authorities next examined Pelletier and his crew. On the conclusion of his examination he wrote a protest against the seizure of his vessel and against the treatment to which he and his crew had been subjected. In the course of several weeks they were taken to Cape Haytien and imprisoned there. After a week's detention they were taken to Port-au-Prince and imprisoned there. They were first tried by a court-martial, of which General Carrie was president. The examination, however, related solely to occurrences at Fort Liberty. Pelletier made a protest against these proceedings also. The examination was resumed about a week afterwards, but Pelletier says that they failed to get any testimony against him from any of his crew.

Next in order the case was referred to a commission of five, composed of judges, senators, and lawyers, of whom Dauphin, president of the court of cassation, was one. The commission is said to have decided that as Pelletier was charged with being a slaver under a foreign flag, he was not amenable to the laws of Hayti, as he had not committed or attempted to commit any offense there against those laws.

Pelletier was, however, still kept in prison, but in August, 1861, he was taken thence to be examined in regard to the Bates affair. It seems that a person named Caño, a resident of Carthegena, claimed to be the real owner of the property which was intrusted to Cortes, who was his clerk. All the papers relating to Pelletier's transactions with Cortes were seized at Fort Liberty, and were in a package sealed with the seals of General Gourgue and the French vice-consul, Menau. The attorney of Pelletier found the package in the custody of Dubois, the minister of justice, who refused to surrender it. Mr. Lewis, the United States commercial agent, wrote to the minister for foreign affairs that the package contained papers of vital importance to Pelletier, and demanded that the package should not pass from the hands of the minister of justice or be opened unless in Pelletier's presence or in that of some authorized agent of his. The minister answered that the request would be complied with. It was ascertained next day, however, that the package had been opened, as some of the papers had been seen in the hands of Caño, the accuser of Pelletier. Pelletier was informed that the papers had been sent to the government attorney, who wanted them to make out his case. The trial began the next day. The jury was drawn, but Pelletier, by the advice of his counsel, waived his right to choose six of them, as the jurisdiction of the court was denied. The judge held that the plea to the jurisdiction was a good one. Appeal was taken to the court above, which decided in favor of the jurisdiction. Pelletier was ordered to be tried again, and the judges who had decided to release him were sent to jail. Three witnesses, whom Pelletier had named as necessary for his defense—the pilot whom he had taken at Carthagena, Labos,

one of the five sailors whom he had caused to be imprisoned, and a boy whom he had left at Port-au-Prince—were seized without any charge and imprisoned, so that Pelletier might not have their testimony on the trial. Pelletier then stated that he should not attempt a defense, and ordered his counsel to withdraw. The judge said that if he did not wish to be defended he must suffer the consequences. Mr. Laveaux, one of Pelletier's counsel, was sent to prison for referring to the extraordinary means which had been employed to obtain a conviction and to the abstraction of papers. Miranda was produced as a witness for the government, and Mr. Linstant, another of Pelletier's counsel, having sought to show his incompetency from his having been a convict and a galley slave at Toulon, in France, was forbidden by the judge to make any such inquiry, and was threatened with imprisonment if he did so. Thereupon Linstant withdrew. The jury then brought in a verdict convicting Pelletier of piracy, and he was sentenced to death. He was also ordered to pay a fine of $1,000 to Caño and $3,000 to Cortes, and the bark William and all the property on board of her were confiscated for the benefit of the government. The judgment was appealed from, and the court above decided that the sentence of death should be changed to five years' imprisonment. Some time afterwards Pelletier was transferred to a prison at Cape Haytien. There he remained for a period, until, becoming sick, he was carried to a hospital, where he staid until he effected his escape, on the 11th of November, 1863.

While it is natural that a community of African extraction, whose near ancestors were slaves, should have an antipathy to slavery, that feeling should not be so indulged as to lead to the persecution of a foreigner upon a baseless charge of being a slaver and a pirate. It is manifest that the authorities at Port-au-Prince, in listening and giving credence to the statements of the sailors whom Pelletier had caused to be imprisoned, and of Binar, whose application he had rejected, did not take into due considerations the relations between those witnesses and the master of the bark William. They had grudges against Pelletier, which undoubtedly they were eager to indulge, and they testified accordingly. It is evident, however, from the examination of the vessel, which was made by the authorities, that there were no such indicia of guilt as afforded even probable cause for proceeding against her or her master. This led to her ultimate release, contrary, however, to the wishes of the chief of police, and others, who appear to have been actuated by a spirit of savage vindictiveness, sharpened perhaps by the prospect of a gratification of their avarice by the condemnation of the property. The voyages of Pelletier from Mobile to Carthagena, thence towards Rio Hacha to Grand Cayman and Port-au-Prince, were unfortunate, but this result cannot properly be imputed to a want of prudence, and can only be ascribed to causes beyond human control. The voyage from Port-au-Prince to Grand Inagua was of the same character, as it resulted in the stranding of his vessel on the reef at the latter place, the loss of her false keel, and the disabling of her rudder. These accidents made her condition helpless without repairs. It cannot be believed that after his experience in Port-au-Prince he would, of his own accord, have gone into a Haytien port for such a purpose. He neared Fort Liberty, therefore, supposing that he was entering a port of the Dominican Republic. It was imprudent, and to be regretted, that he should have hoisted the French flag as a signal for a pilot, and his effort to induce belief that his vessel was French cannot be excused. Undoubtedly, however, it was a mere stratagem to relieve himself from

the snare into which he had fallen. His vessel was in distress, a condition which ought to have commanded sympathy and secured relief, even from enemies. His distrust, however, led him to decide differently. The elation of the authorities at Fort Liberty, when the information in regard to Pelletier had been received from the deserter Miranda, and of those at Cape Haytien and Port-au-Prince, at again having him in their power, is not surprising, especially after his attempt to deceive them as to the nationality of his vessel. Their proceedings in regard to him were thenceforward characterized by a savage brutality, as if intent upon revenge for an imaginary offense, rather than by that spirit of justice and impartiality which is expected from the authorities of a foreign country towards a stranger accidentally in their limits. It is apparent that Pelletier is a man of spirit as well as intelligence, and that he was actuated by so intense a consciousness of innocence of the charges against him that he was led to commit the technical mistake of refusing to avail himself of the privilege of choosing six members of the jury, or, indeed, of defending himself at all, though this course seems to have been pursuant to the advice of his counsel. In an ordinary case this would be decisive against making the question an international one. This, however, is by no means a case of that character, and the executive or judicial authorities of any government, which should pursue the course in regard to a foreigner taken by those of Hayti in regard to Captain Pelletier, must expect to do this at the peril of a demand for reparation.

The charge of piracy against Pelletier may be said to have been so absurd on its face that it is unaccountable how it could have been made or entertained. In your dispatch No. 64, you correctly define that offense as being, under the public law, robbery on the high seas. Sometimes, however, by special municipal law or by treaties, other offenses, the slave-trade for instance, are declared to be piracy, and punishment is provided for those convicted. Pelletier was charged with robbing Caño of his goods on the high seas. Of Caño's ownership of the merchandise placed on board the William at Carthagena, Pelletier was ignorant until he was accused at Port-au-Prince by Caño with stealing it. All the papers relating to Pelletier's business with Cortes were seized by the authorities at Fort Liberty, and were in possession of those at Port-au-Prince at the time of Pelletier's trial. These papers would undoubtedly have fully exculpated Pelletier, but those who had them would not allow them to be used in his defense.

It appears from the minutes of the court at Port-au-Prince, as they are printed on page 92 of the Congressional document before referred to, that the jury convicted Pelletier as principal in piracy in fraudulently taking property in open sea and at the Grand Cayman to the injury of Messrs. Caño and Juan Cotis (or Cates) by force of arms, accompanied by violence and with threats of assassination, and with attempts at slave-trading and with piracy on the coasts of Hayti. Perhaps the annals of few courts could furnish an example of a more oppressive and baseless conviction.

Pelletier acknowledges that a part of the original plan of his voyage was to obtain a cargo of guano at Nevassa for New Orleans, and that to this end he had inquired, when he was first at Port-au-Prince, whether laborers for that purpose could there be obtained. The affidavits of the witnesses against Pelletier do not appear to have been communicated to this Department. It is represented, however, that they charge him with the intention to kidnap Haytiens, and as his inquiry as to the practica-

bility of obtaining laborers there probably also in some way became known to the authorities, the latter may have assumed that the wish to hire laborers was used as a screen to kidnap them.

The whole of the proceedings against Pelletier seem to have been characterized by a malignant spirit of cruelty and oppression disgraceful to all concerned in them. It is hoped that the present Haytien authorities will at once dispassionately review those proceedings. If this should be done they certainly will not persist in claiming that they do any credit to the justice and fair dealing of their country. This government has no desire to disturb its friendly relations with that of Hayti. There is a considerable commerce between the two countries which is advantageous to both, and which it is hoped and believed may be much increased. Self-respect, however, will not longer allow us to acquiesce in the course which that government thought proper to take in regard to Captain Pelletier. It is hoped that it will show a disposition to indemnify him for his losses and sufferings. Perhaps the subject may more properly be informally and orally mentioned to the minister for foreign affairs in the first instance. Instructions in regard to your future proceedings will be given when the Department shall have been informed as to the manner in which the overture may have been received.

I am, &c.,

WM. M. EVARTS.

No. 5.

Mr. Langston to Mr. Evarts.

No. 130.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 28, 1879. (Received March 20.)

SIR: Referring to your dispatch numbered 50, having reference to the reclamation of Antonio Pelletier, I have the honor to state that on the 25th instant, in a protracted interview upon this case, I brought the facts pertaining thereto to the attention of the honorable secretary of state for foreign affairs of the Haytian Government; and I stated that the proceedings against Pelletier were in such flagrant violation of justice as to warrant and require that his government demand amends in his behalf.

The honorable secretary expressed his opinion that it was very strange that such demand had not been made long ago, that some nineteen years had passed since the facts of the case transpired; and yet, upon a word or two of explanation from me with regard to this particular point, he expressed clearly and positively the willingness of his government to review the whole case, and reach, if possible, a good understanding with respect to it. I informed him of my purpose to report the results of our interview to my government, and stated that upon receipt of additional instructions which I hoped to receive from the Department at an early day, I would present the case in more formal manner for the consideration of his government.

I beg to add that the secretary heard me most attentively, with the deepest interest; and I am persuaded that a firm and earnest presentation and management of his case will result in that measure of justice from the Haytian Government which is due Captain Pelletier.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

No. 6.

Mr. Evarts to Mr. Langston.

No. 61.] DEPARTMENT OF STATE,
Washington, March 24, 1879.

SIR: Your dispatch No. 130, of the 28th ultimo, has been received. You therein report the oral and informal presentation of the claim of Antonio Pelletier to the Haytian foreign secretary, in obedience to the instructions contained in my dispatch No. 50.

In view of the manner in which your informal preliminary presentation of Captain Pelletier's case has been received by the Haytian minister for foreign affairs, you will proceed to make the official communication contemplated in my previous instruction, and will press the claim with all the energy and address at your command. The assurances given by the minister of the willingness of the Government of Hayti to review the whole case, and reach, if possible, a good understanding, with respect to it, is encouraging, inasmuch as this Department is convinced that upon a dispassionate reopening of the matter the great wrong done to Pelletier will be at once recognized. Indeed, any other conclusion would be deeply to be deplored.

I am, &c., WM. M. EVARTS.

No. 7.

Mr. Langston to Mr. Evarts.

No. 155.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, May 1, 1879. (Received May 15.)

SIR: I have the honor to advise you that I have presented, formally, to the Haytian Government, in a dispatch, a copy of which is herewith inclosed, dated April 21 last, the claim of Captain Pelletier; and I beg to assure you that no effort on my part shall be spared to bring this case to a speedy and just settlement. And yet I am compelled, in view of the hesitating, tardy, and unsatisfactory manner of doing business by the authorities of the Haytian Government, to state that there is no telling or divining when this case will be settled. The appeal to facts, to law, to considerations of justice, to duty, to national obligation, or international usage, makes the smallest impression, seemingly, as far as hasting the adjustment and payment of claims and reclamations against the government is concerned.

And in order to the early and proper settlement of this particular claim, we may have to resort to something more potent than such appeal; and yet, it is to be hoped that this may not be the case.

The honorable secretary of state of foreign affairs has not yet made answer to my dispatch on this subject; so soon as he does, I will advise you as to the position which he takes.

Your most humble servant,

JOHN MERCER LANGSTON.

[Inclosure in dispatch 155.]

No. 49.] LEGATION OF THE UNITED STATES.
Port-au-Prince, Hayti, April 21, 1879.

SIR: Referring to the oral and informal statement made by me to you on the 25th of February last, with regard to the case of Capt. Antonio Pelletier, I have the honor

to bring the case now formally and fully to your attention, in obedience to the instructions of my government, and to ask its due consideration and adjustment.

The facts of the case are as follows: Antonio Pelletier, a citizen of the United States of America, in August, 1860, purchased the bark William; and after taking her to Mobile, and transferring her to Mr. E. Delanny, of the firm of Delanny, Rice & Co., of New Orleans, of which he was a partner, he loaded the vessel with lumber and sailed for Carthagena, Colombia, where he arrived in November, 1860. By reason of a revolution which was in progress there when he arrived, he was unable to sell more than a small part of his cargo at this place. And after staying at Carthagena about two weeks, he cleared for Rio Hacha, in the same country, taking as passengers one Binar, a colored man and a political refugee, and Juan Cortes, his wife, child, and servant. Cortes had on board the vessel a quantity of merchandise as freight, which he represented as being his own property. In consequence of the prevalence of strong northeasterly winds, the vessel was carried so far out of its course for Rio Hacha, that Cortes became so alarmed on account of the delicate condition of his wife's health that he insisted upon the vessel's making for the first accessible port in order that he, his family, and effects might be landed.

The vessel consequently put into the island of Grand Cayman, on the 17th of December, 1860. Captain Pelletier went at once with Cortes to Mr. Eden, the United States consular agent, and noted his protest. The following morning Cortes and his family landed. Captain Pelletier then requested Mr. Eden, his consignee, to settle with Cortes, and require him to take his goods from the vessel.

The account of Pelletier against Cortes was furnished to Mr. Eden, but the former having no money, the latter proposed to him to place the merchandise on board of a schooner of his own, pay Pelletier's bills, and take him and his family in the schooner to Jamaica. Some of Cortes' property, however, having been found to be damaged by seawater, the whole was sold at auction. The bids not being satisfactory to Cortes, Pelletier, at his instance, bought the property for $1,000. Cortes made an affidavit before Eden that he was the sole owner of the goods, and the consular agent gave Pelletier a certifiate of the whole transaction under his official seal.

On the 24th of December the William cleared from Grand Cayman for Port-au-Prince, Hayti, where she arrived after the middle of January, 1861. Pelletier, being unwell, took lodgings on shore at a hotel. His consignees sold to the government two kegs of powder, all he had on board, and that part of the cargo which consisted of tobacco. Pelletier also sold to Figaro, a hotel-keeper, eight out of twelve revolvers on board the vessel.

The lumber was sold to the son-in-law of President Gefpard. One night when enough of it had been delivered to give access from the hold to the bulkhead which separated the storeroom, unruly members of the crew broke into the latter, stole liquor with which they became intoxicated, and threatened the lives of the mate and the custom-house officer on board. The lattter with Bimar, the passenger, fled from the ship for safety. The mate shut himself up in his state-room. In the morning the mate escaped, went on shore and gave Pelletier information of the disorderly proceedings on board. Pelletier sought Mr. Lewis, the United States commercial agent, who applied to the authorities, and five of the sailors, known to have been active in the stealing and mutiny were lodged in prison. In the evening Bimar applied to Pelletier for money to pay his passage to the Spanish Main. This Pelletier refused for reasons assigned. The next morning Bimar addressed a letter to Pelletier, stating that as he had ordered him off his vessel, he must provide for his maintenance, and demanded one hundred dollars, which if he refused, he threatened should cost Pelletier a large sum. Pelletier showed the letter to Mr. Lewis, and to two eminent lawyers, who advised him to pay no attention to it.

Pelletier afterwards learned that, on the same day, Bimar denounced him to the authorities as a slaver, and as making false reports as to his cargo, arms, and amunition, almost all of which had been sold to the government itself. In the evening of that day a large force of armed men went on board the barque and broke open boxes and closets. They were under the command of Carrié, the military governor of the place, and were accompanied by J. J. Lilavois, the captain of the port, and the commander of the police, and a force of about thirty armed men. They found three hunting guns, half a pound of powder, some cartridges of small shot for bird hunting, and eight pairs of hand-cuffs, which had been provided to enforce discipline among the crew. They, however, left the vessel without taking the articles with them. Carrié, with his posse, however, having returned to the vessel the same night, the mate, with those of the crew on board, went ashore and informed Pelletier, who at once entered his protest before Mr. Lewis.

In the morning the latter addressed a letter to the minister of foreign affairs on the subject, stating that Pelletier had been obliged to abandon the vessel with a large amount of property, money, and bullion on board, and that the Government of Hayti would be held responsible for the same.

The minister replied that it was a proceeding of the police about which he knew

nothing. Soon afterwards Mr. Lewis was invited to call on the President, which he did, taking Pelletier with him. The President said that he was ignorant of the proceedings. He sent for General La Motte, minister of police, who came and was reprimanded by the president. The latter then said to Pelletier that he hoped he would take his vessel back, which he at first declined, but at last, upon the advice of Mr. Lewis, consented to do so. La Motte, however, kept possession of the vessel for four days longer, when he was peremptorily ordered by the President to give her up. A sworn estimate of the damages on the vessel while in the occupation of the police was then made which amounted to $6,000, but President Gefpard offered only $2,000, which Pelletier refused to accept. La Motte then obtained, as Pelletier says, by bribery of the sailors in prison, affidavits from them against the vessel. Similar bribes were offered others of the crew. It was represented that Pelletier had on board a hundred water casks, while in fact he had only eight.

The minister for foreign affairs addressed a note to Mr. Lewis, accompanied by the depositions of the sailors in prison, and by that of Bimar, and repeated his charges that Pelletier was a slaver, that his papers were not regular, and that he had handcuffs and water-casks on board for a slaver. Mr. Lewis replied denying the charges for reasons assigned.

Pelletier then brought suit against Bimar for libel, but he escaped by flight.

The William cleared for New Orleans during the latter part of February, 1861. On getting to sea Pelletier found that he did not steer well for want of ballast. He consequently put into Grand Inagua to procure this. The United States consular agent there advised him to go to Man-of War Bay for it. While taking it in there a gale arose, which obliged him to slip his chains and go to sea, leaving his two best anchors.

Having returned to Grand Inagua to restore to their homes laborers whom he had been obliged to take to sea when driven off, the pilot anchored the vessel too near the reef. On trying to get room to run out the vessel grounded on the reef, and remained there pounding for eighteen hours, when at last she was carried off at high tide. The false keel was, however, lost, and the fastenings of the rudder were broken. Pelletier then tried to reach a port on the Spanish part of St. Domingo, where he might make necessary repairs. When he arrived off the northern coast of that island he supposed he was near Puerto Plata. He then raised a small French flag as a signal for a pilot, but none having appeared he entered a port where he was alarmed to find that the Haytien flag was flying. He consequently determined to feign that his vessel was a French vessel named the Guillaume. After anchoring a boat came off with the captain of the port, who said that they were at Fort Liberty, Hayti. Pelletier reported his vessel as the French barque Guillaume, bound from Havana to Havre, in distress, and added that he wished for a blacksmith to restore the fastenings of his rudder. He then had a note written to General Gourgue, commanding the place, stating that was aware that the port was not open to commerce, and asking leave to employ a blacksmith and to fill four casks with water, which was granted. The next day General Gourgue visited the vessel, and said to Pelletier that if he wished to visit the French consul at Cape Haytien he might have a seat in his carriage with his son, who was going thither that evening. Pelletier declined the offer, owing to the disabled condition of his vessel. Gourgue then said he might at least write to the Consul. Pelletier then directed his clerk to write to the consul, stating that he would sail the next day, and would call on him personally. The clerk did as ordered. In the night of the third day after the arrival of the William at Fort Liberty, Miranda, a sailor whom Pelletier had shipped at Port-au-Prince, and whom he had flogged at Grand Inagua for misconduct, stole one of the boats and escaped to the shore. There he made a deposition against Pelletier for falsifying his nationality. An attempt was then made to get to sea with the vessel. This, however, was defeated by her grounding on a reef after she had proceeded a short distance. In this position she was seized by the authorities and taken back. Captain Pelletier then met Mr. Menan, the French consul, at Cape Haytien, who was indignant at his assuming French nationality, and who, having turned him over to the Haytien authorities, he was at once lodged in prison. He then applied for protection to Mr. G. E. Hubbard, the commercial agent of the United States at Cape Haytien, who refused it, assuming that Pelletier was a criminal. The authorities next examined Pelletier and his crew. On the conclusion of his examination he wrote a protest against the seizure of his vessel and the treatment to which he and his crew had been subjected. In the course of several weeks they were taken to Cape Haytien and imprisoned there. After a few weeks' detention they were taken to Port-au-Prince and imprisoned there. They were first tried by a court-martial, of which General Carrié was president. The examination, however, related solely to occurrences at Fort Liberty. Pelletier made a protest against these proceedings also. The examination was resumed about a week afterwards, but no testimony was secured from any one of his crew against Pelletier.

Next in order the case was referred to a commission of five, composed of judges, senators, and lawyers, of whom Dauphin, president of the court of cassation, was one. The commission is said to have decided that, as Pelletier was charged with being a

slaver under a foreign flag, he was not amenable to the laws of Hayti, as he had not committed or attempted to commit any offense there against those laws.

Pelletier was, however, still kept in prison, but in August, 1861, he was taken thence to be examined in regard to the Cortes affair. It seems that a person named Caño, resident of Carthagena, claimed to be the real owner of the property which was entrusted to Cortes, who was his clerk. All the papers relating to Pelletier's transactions with Cortes were seized at Fort Liberty, and were in a package sealed with the seals of General Gourgue and the French vice-consul, Menan. The attorney of Pelletier found the package in the custody of Dubois, the minister of justice, who refused to surrender it. Mr. Lewis, the United States commercial agent, wrote to the minister of foreign affairs that the package contained papers of vital importance to Pelletier, and demanded that the package should not pass from the hands of the minister of justice, or be opened, unless in Pelletier's presence, or in that of some authorized representative of his. The minister answered that the request would be complied with. It was ascertained next day, however, that the package had been opened, as some of the papers had been seen in ths hands of Caño, the accuser of Pelletier. Pellitier was informed that the papers had been sent to the government attorney, who wanted them to make out his case. The third trial began the next day. The jury was drawn, but Pelletier, by advice of his counsel, waived his right to choose six of them, as the jurisdiction of the court was denied. The judge held that the plea to the jurisdiction was a good one. Appeal was taken to the court above, which decided in favor of the jurisdiction. Pelletier was ordered to be tried again, and the judges who had decided to release him were sent to jail.

Three witnesses whom Pelletier had named as necessary for his defense—the pilot whom he had employed at Carthagena; Lobos, one of the five sailors whom he had caused to be imprisoned; and a boy whom he had left at Port-au-Prince—were seized without any charge and imprisoned, so that Pelletier might not have their testimony on the trial. Pelletier then stated that he should not attempt a defense, and urged his counsel to withdraw. The judge said that if he did not wish to be defended he must suffer the consequences. Mr. Laneau, one of Pelletier's counsel, was sent to prison for referring to the extraordinary means which had been employed to obtain a conviction, and to the abstraction of papers. Miranda was produced as a witness for the government, and Mr. Linstant, another of Pelletier's counsel, having sought to show his incompetency from his having been a convict and galley-slave at Toulon in France, was forbidden by the judge to make any such inquiry, and was threatened with imprisonment if he did so. Thereupon M. Linstant withdrew. The jury then brought in a verdict convicting Pelletier of piracy, and he was sentenced to death. He was also ordered to pay a fine of $1,000 to Caño, and $3,000 to Cortes and the bark William, and all the property on board of her was confiscated to the benefit of the government.

The judgment was appealed from, and the court above decided that the sentence of death should be changed to five years' imprisonment. Some time afterwards, Pelletier was transferred to a prison at Cape Haytien. There he remained for a period until becoming sick he was carried to a hospital at Port-au-Prince, I think, where he staid until he affected his escape on the 11th day of November, 1863. The facts presented here show such flagrant denial of justice to Captain Pelletier, as to warrant and require that his government should demand amends in his behalf.

In asking that this case be reviewed by your government with reference to making suitable reparation to Captain Pelletier for the great wrongs and damages, in person and property, which he was made to suffer and sustain, under the circumstances stated, my government would remind you that his voyage from Mobile to Carthagena, thence towards Rio Hacha, to Grand Cayman and Port-au-Prince, and from the last named place to Grand Inagua, were unfortunate, and the results connected therewith cannot properly be imputed to a want of prudence, but must be ascribed to causes beyond human control. The accidents which befell his vessel at Inagua, causing the loss of her false keel and disabling her rudder, put her in a helpless condition without repairs. And it cannot be believed that after his experience at Port-au-Prince, he would, of his own accord, have gone into a Haytien port for such purpose. He neared Fort Liberty, therefore, supposing that he was entering a port of the Dominican Republic. It was imprudent and to be regretted that he should have hoisted the French flag as a signal for a pilot, and his effort to induce the belief that his vessel was French, cannot be excused. Undoubtedly, however, it was a mere stratagem to relieve himself from the snare into which he had fallen. His vessel was in distress, a condition which ought to have commanded sympathy and secured relief, even from enemies. His distrust, however, led him to decide differently. The elation of the authorities at Fort Liberty when the information in regard to Pelletier had been received from the deserter Miranda, and in those at Cape Haytien and Port-au-Prince at again having him in their power, it is not surprising, especially after attempts to deceive them as to the nationality of his vessel. Their proceedings in regard to him were thenceforward characterized by a savage brutality, as if intent upon revenge for an imaginary

wrong, rather than by that spirit of justice and impartiality which is expected from the authorities of a foreign country toward a stranger accidentally in their limits.

Captain Pelletier is a man of spirit and intelligence, and he was actuated by so intense a consciousness of innocence of the charges against him, that he was led to commit the technical mistake of refusing to avail himself of the privilege of choosing six members of the jury, or indeed of defending himself at all, though this course seems to have been pursuant to the advice of his counsel. In an ordinary case, this would be decisive against making the subject an international one. This is by no means a case of that character, and the executive or judicial authorities of any government which should pursue the course in regard to a foreigner taken by those of Hayti in regard to Captain Pelletier must expect to do this at the point of a demand for reparation.

The charge of piracy against Pelletier may be said to have been so absurd on its face that it is unaccountable how it could have been made, or entertained. He was charged with robbing Caño of his goods on the high seas. But of Caño's ownership of the merchandise placed on board the William, at Carthagena, Pelletier was ignorant until he was accused at Port-au-Prince by Caño with stealing it. All the papers relating to Pelletier's business with Cortes were seized by the authorities at Fort Liberty, and were in possession of those at Port-au-Prince at the time of Pelletier's trial. These papers would undoubtedly have fully exculpated Pelletier, but those who had them would not allow them to be used in his defense. It appears from the printed minutes of the court at Port-au-Prince that the jury convicted Pelletier as principal in piracy, in fraudulently taking property in open sea and at the Grand Cayman, to the injury of Messrs. Caño and Juan Cortes, by force of arms, accompanied with violence and with threats of assassination; and with attempts at slave-trading, and with piracy on the coasts of Hayti. Perhaps the annals of few courts could furnish an example of a more oppressive and baseless conviction. It is representtd that the affidavits of the witnesses against Pelletier charge him with the intention to kidnap Haytiens. With regard to this matter, he admits that a part of the original plan of his voyage was to obtain a cargo of guano at Navassa for New Orleans, and to this end he had inquired, when he was first at Port-au-Prince, whether laborers for that purpose could there be obtained; and as his inquiry as to the practicability of obtaining laborers there probably also in some way became known to the authorities, the latter may have assumed that the wish to hire laborers was used as a screen to kidnap them.

But the entire proceedings against Captain Pelletier seem to have been characterized by a malignant spirit of cruelty and oppression, reprehensible in the highest sense. It is hoped that the present authorities of the Haytian Government will at once dispassionately review these proceedings. If this should be done, they certainly will not persist in claiming that they do any credit to the justice and fair dealing of their country. And it is hoped that such authorities will show a ready disposition to indemnify Captain Pelletier in a reasonable and generous manner for his losses and sufferings.

In the judgment of my government, this case is a grave and serious one; and every consideration of justice and fair dealing, as well as the good understanding between the two states interested in its adjustment, make it necessary and proper that it be considered and settled at the earliest practicable period.

I embrace this occasion, Mr. Minister, to present to you my distinguished considerations.

Your most obedient servant,

JOHN MERCER LANGSTON.

No. 8.

Mr. Langston to Mr. Evarts.

No. 213.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, December 26, 1879.

SIR: I have the honor to inclose herewith, copy of a dispatch, as per its date, addressed by this legation to the Haytian Government with regard to the reclamation of Mr. Antonio Pelletier, together with a copy of the reply of said government thereto, with translation.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 1.]

No. 65.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, November 19, 1879.

Hon. L. T. LAFONTANT,
Acting Secretary of State of Foreign Affairs, Port-au-Prince, Hayti:

SIR: Heretofore, on the 21st day of April last, I had the honor to address a dispatch to the Haytian Government with regard to the reclamation of Antonio Pelletier, an American citizen. On the 5th day of May following, your predecessor, Hon. L. Ethéart, replied to my communication, stating that it had been received, and referred to the secretary of state of justice for certain information, and promising that as soon as such information had been received he would give me the conclusion of his government as regards such reclamation. I have not heard from the government on this subject since I received the despatch from Mr. Ethéart, and now, fearing that my dispatch of the 21st of April last, in which the claim of Mr. Pelletier is fully set forth, and its prompt settlement demanded, may have been destroyed by the fire occurring in this city on the 3d of July, I have the honor to transmit, herewith inclosed, a copy of that dispatch, and to ask most respectfully its early consideration, and the conclusion of your government with respect to such claim.

Be pleased, Mr. Minister, to accept the assurance of my very high consideration.

Your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure.]

No. 1. Copy of Mr. Langston's dispatch to Haytian Government, dated April 21, 1879,* already on file in the Department.

[Inclosure No. 2.—Translation.]

OFFICE OF THE SECRETARY OF STATE OF FOREIGN AFFAIRS,
Port-au-Prince, November 29, 1879.

Mr. MINISTER: I have the honor to acknowledge the receipt of your letter on the 19th instant, transmitting to me a copy of a dispatch bearing date the 21st of April last, addressed to Mr. Liantand Ethéart, then secretary of state of foreign affairs, with regard to a reclamation of Mr. Antonio Pelletier, an American citizen.

I have submitted, Mr. Minister, this reclamation to the secretary of state of justice, and I shall wait to respond to your letter until he gives me all the information which Mr. J. M. Langston, minister resident of the United States at Port-au-Prince, concerns this question.

Be pleased, Mr. Minister, to accept the assurance of my highest consideration.

The secretary of state of foreign affairs, *ad interim*.

L. T. LAFONTANT.

No. 9.

Mr. Evarts to Mr. Langston.

No. 102.] DEPARTMENT OF STATE,
Washington, March 24, 1880.

SIR: Captain Pelletier, and those of his friends who are interested in the success of his claim against Hayti, are naturally impatient at the delay of that government to answer your representations upon the subject. You do not appear to have mentioned it since your dispatch of the 26th of December last, when the minister of foreign affairs informed you that he awaited information from the minister of justice before he could decide the case. So much time has elapsed since then that the information referred to must, it is presumed, have been furnished. You will, consequently, renew your application to the foreign office.

I am, sir,

WM. M. EVARTS.

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* See inclosure to Mr. Langston's No. 155, of May 1, 1879.

No. 10.

Mr. Langston to Mr. Evarts.

No. 251.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, April 20, 1880.

SIR: Referring to your No. 102, dated March 24, 1880, having reference to the claim of Captain Pelletier, I have the honor to advise you that, as far as this legation is concerned, such claim has been constantly pressed upon the attention of the Haytian authorities since its presentation, April 21, 1879. In interviews, as well as in correspondence, this has been the case, as the inclosed copies of dispatches passing between me and the honorable secretary of state will show.

And, first, I have the honor to bring to your attention the dispatch from the honorable secretary, dated January 29, 1880, a copy of which, with translations, is herewith inclosed, in which, referring to interviews had with me with regard thereto, he asks delay for the due consideration of the reclamations of Messrs. A. H. Lazare and Pelletier, and the claims of Mrs. Oaksmith, Mr. Horton, and Messrs. Kunhardt & Co.

Secondly, you will be pleased to find herewith inclosed copy of a dispact from the same source, with translation, dated March 19, 1880, in which the honorable secretary, after referring to an interview had with me on the subject, states that he understood me to propose arbitration as a proper method of reaching a prompt solution of the questions connected with the claims mentioned, which he refused at once as to the claim of A. H. Lazare, esq., for the reason stated; and in his dispatch as to the other claims referred to, but promising to give successively the opinion of his government with regard thereto, as necessary information might be obtained, while, in the meantime, he asks the date of the naturalization, as an American citizen, of Captain Pelletier.

In answer to this dispatch, on the 20th day of March, I had the honor to address the honorable secretary, in two dispatches, copies of which are herewith inclosed, in the first of which I correct his misunderstanding as to my proposing to arbitrate all the claims, stating that I did propose, as directed by my government, such method of settlement in the case only of Mr. Lazare, while in my second dispatch I address myself directly to a consideration of the reclamation of Captain Pelletier, urging the fact that it had been referred to the minister of justice by Mr. Ethéart as early as May 5, 1879; that the same person, Mr. Archin, is at present filling the same office; and that the government must be so fully advised as to the facts and law in this case as one might reasonably suppose that it ought not to require any considerable further delay in reaching and making known its opinion as to its settlement. In concluding this dispatch I state, as requested, the date of the naturalization of Captain Pelletier, and urge again the prompt settlement of his claim.

It is in reply to this dispatch that the honorable secretary addressed me on the 6th instant, transmitting a dispatch, a copy of which, with translation, is herewith inclosed. In this dispatch the honorable secretary acknowledges the receipt of my dispatch, containing the information which he asked as to the naturalization of Captain Pelletier; states that I advised him that it is the judgment of my government that the reclamation of Captain Pelletier should be allowed; declares that whatever may be the firm intention of this government to make every effort to maintain the most cordial friendship in the relations of the two governments, the reclamation of Captain Pelletier cannot be allowed;

and then proceeds to justify this position by referring to the facts connected with the accusation, the trial and condemnation of Captain Pelletier, alleging that he and the major part of his crew being American citizens, he did hoist the French flag; that thus he made himself, according to international law, a pirate, and that the Haytien Government showed itself indulgent towards him in not applying to him the rigorous laws of all the countries of the world which are denounced against pirates.

In view of the position taken with regard to this case by the Haytien Government, I await the further instructions of the Department.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 2.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port-au-Prince, January 29, 1880.

Mr. MINISTER: In consequence of the interviews which I have had the honor to have with you upon the subject of claims of American citizens, which you have submitted to the Haytien Government for the most part under the preceding administration, I have consulted the archives of my department, and I have found there the dispatches of your legation concerning the following matters, with regard to which you desire to obtain the decision of the present government of the republic.

The affair of Mr. A. H. Lazare; that of Mr. Pelletier; that of Mrs. Fanny Oaksmith; that of Mr. Edward Horton; that of Kunhardt & Co.

Having just obtained the control of this department, I have not as yet had time, Mr. Minister, to study variously these questions, and to ask with regard to the oldest all the information which they require and which is necessary. I hope you will be willing to accord me the delay necessary to be duly informed as to all these questions before communicating to you the opinion and decision of my government upon these claims.

Be pleased to accept, Mr. Minister, the assurance of my very high consideration.

The Secretary of State of Foreign Affairs.

CH. LAFORESTRIE.

[Inclosure No. 4.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port-au-Prince, March 19, 1880.

Mr. J. M. LANGSTON,
Minister Resident of the United States of America, Port-au-Prince:

Mr. MINISTER: In the interview which I had the honor to have with you on the 16th instant, with regard to claims which you have presented to the Haytian Government, you proposed to me to submit all these affairs to arbitration in order to reach a prompt solution. I replied, if my government accepted your proposition, which I would submit to its consideration, arbitration could not be had as to the questions which had been referred for direct examination to the Cabinet at Washington, for example, the claim of A. H. Lazare.

In fact our minister plenipotentiary at Washington had already taken steps with regard to these affairs with the Cabinet of the Union. My government ought then to await from Mr. S. Preston the reply which would be made us before undertaking with you, if there should be need, the discussion of these questions. It remains then to know if my government would accept arbitration of the following matters: That of Mr. Antonio Pelletier; that of Mrs. Fanny Oaksmith; that of Edward Horton.

I put aside for the moment the matter of Kunhardt & Co., which appears to be very simple, and with regard to which I will have the honor to write you very soon.

My government does not think, Mr. Minister, that these three first claims ought to be arbitrated. In fact, to decide to arbitrate these affairs would have it understood that we had already combatted these points, and that we had not been able to agree, but this is not the case.

I will make known to you then, successively, the opinion of the government upon these matters, which require, as I have already had the honor to advise you, information which I had not been able up to this time to obtain completely.

In the mean time I pray you, Mr. Minister, to be good enough to let me know the date of the naturalization, as an American citizen, of Mr. Antonio Pelletier, which my government believes to have been French.

Be pleased to accept, Mr. Minister, the assurance of my high consideration.

CH. LAFORESTRIE.

[Inclosure No. 5.]

No. 85.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, March 20, 1880.

Hon. CHARLES LAFORESTRIE,
Secretary of State of Foreign Affairs, Port-au-Prince, Hayti:

SIR: In acknowledging receipt of your dispatch, dated the 19th instant, received by me late yesterday afternoon, I make haste to let you know how deep the regret is which I experienced in view of the misunderstanding under which you labor with regard to what transpired between us in our conversation of the 16th instant, when you state that you understood me to propose that the reclamation of Antonio Pelletier and the claims of Fanny Oaksmith, Edward Horton, and Messrs. Kunhardt & Co., be submitted for settlement to arbitration. I intended to propose no such thing; and I am at an utter loss how, from anything that I said, it could have been inferred at the present stage of investigation and consideration of such claims as between this legation and your department, that such proposition could have been understood or entertained by me. I did, however, and do now, as directed by my government, ask, with regard to the reclamation of Mr. A. H. Lazare, that this case be settled, in justice at once to the claimant and your government, in accordance with principles and usages equitable and fair, by arbitration.

With regard to the reclamation of Mr. Lazare, in reply to what you say, as touching any action with regard hereto by honorable Mr. S. Preston, the representative of your government at Washington, I beg to repeat, as heretofore stated to your predecessor, Mr. Lafontant, in a dispatch addressed to him December 1, 1879—

"That as early as March 12, 1879, after communicating with my government as to the course pursued by the Haytien Government with regard to this claim, I received instructions from my government by which I was advised that it was not disposed, as suggested, to have the controversy transferred from Port-au-Prince to our capital, and that it insists upon the claim being properly adjusted either by settlement or arbitration, unless the Haytien Government can produce some forcible reasons why it should not be allowed, which, thus far, it had failed to do. I was further directed to urge, in strong terms, the necessity of prompt agreement with regard to its settlement."

Up to this moment I have received no advices from my government with regard to any action taken by Mr. Preston, and no instructions other or different from those already suggested. Besides, Mr. Minister, this case of Mr. Lazare has been pending as between my legation and your department, under the administration of Messrs. Carrié, Ethéart, Lafontant, and yourself, to some extent, quite long enough, and it has been, as I have been informed by Mr. Ethéart, the subject of investigation and consideration by Hon. C. Archin, the minister of justice heretofore under the administration of President Canal, and who holds the same position under the present administration. It would seem, therefore, that your government ought to be able to present its conclusions with regard thereto, and it is difficult to conceive how any reasonable, serious objection can be offered to the equitable method of adjustment proposed in arbitration.

I have the honor to be, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 6.]

No. 86.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, March 20, 1880.

Hon. CHARLES LAFORESTRIE,
Secretary of State of Foreign Affairs, Port-au-Prince, Hayti:

SIR: Referring to the reclamation of Antonio Pelletier, of which you make mention in your dispatch of yesterday, I have the honor to state that as to such reclamation I have already presented to your department a full, concise, and elaborate statement of facts which would seem to be entirely unanswerable. This statement was made and presented on the 21st day of April, 1879, addressed to your predecessor, Mr. Ethéart, and subsequently I transmitted, in connection with a dispatch addressed to your department, November 19, 1879, a full and exact copy of such statement, suggesting at the same time in my dispatch, with regard to this reclamation, that my government desired and expected the prompt settlement thereof. This reclamation

has also been made, according to information had of Mr. Ethéart, the subject of consideration by the secretary of state of justice of your government, the same person acting under the former admimistration, and acting under the present in the same capacity, the Hon. C. Archin.

Mr. Etheart furnishes this information to this legation in a dispatch dated May 5, 1879, and states that as soon as the secretary of state of justice shall furnish him with certain information required, he will advise this legation as to the views of his government on the subject. But as yet the conclusions of your government as to this reclamation have not been received.

I have the honor, Mr. Minister, to state in reply to your inquiry as to the date of the naturalization of Antonio Pelletier, as an American citizen, that the certificate of his naturalization bears date October 6, 1852, at least eight years previous to the occurrence of the facts upon which his reclamation is predicated, and this date of the certificate of his naturalization is susceptible of exact and unquestioned proof, according to the records of the court issuing the same. With regard, then, to the citizenship of Pelletier there can be no question, and now, Mr. Minister, in the judgment of my government, as I have heretofore stated, this case is a grave and a serious one, and every consideration of justice and fair dealing, as well as the good understanding between the two governments interested in its settlement, make it necessary and proper that it be considered and settled at the earliest practicable period; and one would very naturally conclude that the authorities of your government are, by this time, so fully advised with regard to the facts and law of this case, that it cannot need any considerable time further to reach and make known its conclusion with respect to its settlement.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 8.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port-au-Prince, April 6, 1880.

Mr. J. M. LANGSTON,
Minister Resident of the United States of America at Port-au-Prince:

Mr. MINISTER: I had the honor to receive your letter of the 20th of March last, containing the information which I asked you to furnish me with regard to the date of the naturalization of Mr. Antonio Pelletier as an American citizen.

You advise me at the same time, Mr. Minister, that in the judgment of your government, the administration of Hayti ought to allow the reclamation of Mr. Pelletier, and that, in accordance with justice and equity.

Whatever may be, Mr. Minister, the firm intention of my government to make every effort to maintain the most cordial friendship in the relations of the two governments, the reclamation of Mr. Pelletier cannot be allowed.

Indeed, in the facts which caused the accusation, the trial, and the condemnation of Mr. Pelletier, there is the capital point which follows, and upon which my government places itself to repel, formally, this reclamation.

Although Mr. Pelletier was an American citizen, and the crew of his ship was mainly composed of citizens of the United States, he did nevertheless notoriously hoist the French flag.

According to international law, in covering himself with a foreign flag, he made himself a pirate.

Then, the Government of Hayti showed itself towards him full of indulgence, in not applying to him the rigorous laws which, in all countries of the world, strike down pirates.

My government loves to hope, Mr. Minister, that by reason of this grave consideration, the Government of the United States will abandon this reclamation ill-founded.

Be pleased to accept, Mr. Minister, the renewed assurances of my very high consideration.

CH. LAFORESTRIE.

No. 11.

Mr. Evarts to Mr. Langston.

No. 112.] DEPARTMENT OF STATE,
Washington, June 14, 1880.

SIR: Your dispatches numbered from 141 to 272, both inclusive, have been received.

Referring to your No. 251, of the 20th of April last, I have to inform you that it has excited both regret and surprise that the Haytian Government should have rejected the claim of Antonio Pelletier; for it had been hoped that that government would have embraced the opportunity, which the consideration of the claim presented, to show that, as a member of the family of nations, it was disposed and able to do justice in a case of signal, but groundless, oppression of a citizen of the United States.

The decision of that government was surprising, because it was the reverse of that which was expected both from the merits of the case and from the tenor of the previous information in the Department on the subject.

You ask for further instructions; I am unable to furnish any further argumentative presentation of the case, from the fact that, in his note to you of the 6th of April, the minister of foreign affairs gives no other reason for the decision of his government than that Pelletier committed an act of piracy, pursuant to public law, because, when his vessel, in distress, neared the coast of Hayti, she displayed the French flag,

The principles of public law give no support to this justification of the acts complained of.

You will therefore distinctly say to the Haytian Government that this government cannot accept this suggestion as an answer to the claim of this citizen of the United States, presented in good faith, and expected to be treated with decorous gravity by the Haytian Government.

You will say to that government, as well, that if it desires to make no further answer to the justice of this claim of Mr. Pelletier, you are instructed to propose to it a prompt and impartial arbitration on the matter, and in default of that arrangement to require its satisfaction.

I am, &c.,

WM. M. EVARTS.

No. 12.

Mr. Langston to Mr. Evarts.

No. 295.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, July 24, 1880. (Received Aug. 14.)

SIR: In acknowledging the receipt of your dispatch No. 112, dated June 24th last, I have the honor to state that the instructions it contains have been carefully noted; and, on the 12th instant I addressed the honorable secretary of state of foreign affairs of the Haytian Government, a communication in accordance therewith, a copy of which is herewith inclosed and transmitted. In this communication I allude to the regret and surprise that the rejection of the claim of Captain Pelletier occasions to my government; and I claim that the merits of this case ustify no such decision; that the reason given for it, namely, that Captain Pelletier committed an act of piracy in displaying a French flag, as his vessel reached the coast of Hayti, is not well founded; that the Government of the United States cannot accept it; that this claim of one of its citizens, presented in good faith, is to be treated with decorous gravity; and, in conclusion, as instructed, I advise the honorable secretary that if the Haytian Government has nothing further to answer as to the justice of this claim, prompt and impartial arbitration

thereof is proposed; and in default of such arrangement its satisfaction will be required.

As yet, I have not received reply to this communication.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 295.]

Mr. Langston to Mr. Archin.

SIR: I have the honor, referring to dispatch received from your government, dated April 6 last, to advise you that my government learns with regret and surprise that the Haytian Government has rejected the claim of Capt. Antonio Pelletier. It was hoped that the opportunity which the consideration of this claim presented, would have been embraced by your government to demonstrate that it was disposed and determined to do justice in a case of signal but groundless oppression of a citizen of the United States.

The merits of this case, whether the facts pertaining thereto be considered or the law, justify no such decision as that reached by your government.

It is claimed as reason for such decision that Captain Pelletier committed an act of piracy according to public law, because when his vessel in distress reached the coast of Hayti he displayed the French flag.

The principles of public law, however, do not support such justification of the acts committed against Captain Pelletier, and of which he so justly complains.

My government therefore cannot accept such suggestion of your government as answer to the claim of its citizens presented in good faith, and which it is expected will be treated by the Haytian Government with decorous gravity.

I am instructed, then, should your government desire to make no further answer to the justice of the claim of Captain Pelletier, to propose to it a prompt and impartial arbitration of the matter, and in default of such arrangement I am instructed further to state that the Government of the United States will require its satisfaction.

I embrace this opportunity to renew, &c.,

JOHN MERCER LANGSTON.

No. 13.

Mr. Langston to Mr. Evarts.

No. 304.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, August 9, 1880. (Received August 27.)

SIR: I have the honor to transmit, herewith inclosed, a dispatch, with translation, addressed to this legation on the 6th instant, in response to one of the 12th of July last, with regard to the reclamation of Capt. Antonio Pelletier.

It will be perceived that the honorable acting secretary, Mr. Archin, after offering his protest against what he pleases to characterize an indirect menace, with which, as he claims, I close my dispatch, promises to submit the case anew to his government, and, so soon as possible, advise me as to the result of its minute and serious consideration.

The honorable secretary finds menace, if anywhere, in the instructions of the Department on this subject, which I have had the honor to follow faithfully in my last dispatch to his government, and, so far as this legation is concerned, it is not believed that there is anything in the language employed which in anywise should be so qualified.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 304.—Translation.]

Mr. Archin to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port-au-Prince, August 16, 1880.

Mr. MINISTER: I have had the honor to receive your dispatch of July 12th last, relative to that which, April the 6th previous, you had addressed to the incumbent of this department, touching the reclamation which you have presented in the name of your government, with regard to Capt. Antonio Pelletier, adjudged and condemned by Haytian justice as convicted of the crime of piracy accomplished in our waters.

In view of the objections contained in your new dispatch relative to the answer which had been made to this reclamation by my predecessor, and without my consideration, Mr. Minister, of the sort of indirect menace with which you close, menace against which I protest in the name of law and justice, I will make it my duty to submit anew the case to my government, which will make thereof, minutely and attentively, a new and serious examination, the results of which shall be brought to your knowledge as soon as possible.

Meanwhile be pleased, &c.,

The Secretary of State of Foreign Affairs, *par interim.*

C. ARCHIN.

No. 14.

Mr. Hay to Mr. Langston.

No. 127.] DEPARTMENT OF STATE,
Washington, August 17, 1880.

SIR: In acknowledging the receipt of your dispatch of the 24th ultimo, No. 295, I have to inform you that the Department approves your action as therein reported, with regard to the claim of Mr. Antonio Pelletier against the Government of Hayti.

* * * * * * *

I am, &c.,

JOHN HAY,
Acting Secretary.

No. 15.

Mr. Evarts to Mr. Langston.

No. 135.] DEPARTMENT OF STATE,
Washington, November 3, 1880.

SIR: I transmit a copy of two letters addressed to this Department by Antonio Pelletier. The first bears date the 18th ultimo, and is accompanied by a bill of particulars of his claim against the Haytian Government. Some, at least, of these might be objected to as unreasonable in amount and as partaking of the character of vindictive or consequential damages. It is difficult to believe that that government would voluntarily pay such a bill. The statement is useful, however, in one respect at least. It shows that the claimant was a man of considerable property and was engaged in business enterprises which his imprisonment by the Haytian Government indirectly at least ruined. In his letter of the 29th ultimo, he consents to accept a sum much less than that claimed in the previous communication, and one which it may not be unreasonable to expect that government to pay. A prompt and satis-

factory adjustment of this protracted controversy is due to the character for justice which it is supposed the Haytian Government is desirous of maintaining before the world, and will be sure to strengthen the friendly relations between the United States and that Republic.

On reviewing the origin and course of the proceedings against Captain Pelletier, it seems more and more obvious that those who were the most active in them were prompted by unfounded prejudice and impassioned malice. It is true that the vessel he bought had formerly been a slaver, and that at the time he was a member of a commercial firm in New Orleans. To charge him on this account with a purpose of engaging in the slave trade, and even with an intention to carry Haytians to Cuba for sale, were so improbable as to vitiate, at their root, all the proceedings against him, and to warrant this government in demanding reparation in his behalf. The fact that we were then engaged in a civil war, and probably the supposition that we might not be able or disposed effectually to interfere for the relief of a member of a New Orleans house, may not have been without their influence with those who seized Captain Pelletier's property, and imprisoned and otherwise grossly maltreated him.

I am, &c.,

WM. M. EVARTS.

[Inclosure 1 in No. 135.]

Mr. Pelletier to Mr. Evarts.

WASHINGTON, D. C., *October* 18, 1880.

SIR: I learn that there is a probability that my long-deferred claim against the Haytian Government is likely to be adjusted on the return of the American minister accredited to that government.

With a view of presenting a full and clear statement of my claim against that government, I herewith inclose a supplemental itemized statement of what it consists. I most respectfully invite your attention to it, and request that it be fully and carefully considered in the negotiation pending its adjustment.

With great respect, I am, very respectfully,

ANTONIO PELLETIER.

The Republic of Hayti to Antonio Pelletier, Dr.

1860.	To value of bark William, cargo, money, and property seized, as per schedule	$91,800	
	Twenty years' interest, at 6 per cent. per annum	110,160	
			$201,960
1864.	Losses by imprisonment, viz:		
	Loss of capital invested as partner in the firm of Delauney, Rice & Co	50,000	
	Loss of sundry parcels of real estate purchased by me, upon which partial payments had been made, amounting to ..	49,000	
	(But forfeited for non-payment of the final payments.)		
	Loss of real estate in West Virginia, consisting of 500,000 acres, in the purchase of which I had paid	175,000	
	(The title to which was forfeited by reason of my imprisonment in Hayti, for non-payment of final payments.)		
	Loss of claim against Overman and Gruner, for the value of certain ships sold by them, as agents of mine, consisting of ships in the Australian trade, and worth over	500,000	
			774,000
	(The suit being dismissed, for want of prosecution, during the time of my imprisonment.)		

Loss of investment in a boot and shoe manufactory in Troy, N. Y	$65,000	
Loss of various other claims and demands, then good, but rendered worthless by lapse of time, amounting to	23,000	
Interest for sixteen years, at 6 per cent. per annum	827,520	
Expenses in supplying evidence contained in the ship's books and papers of the bark William, destroyed or withheld from me, consisting of the employment and expenses of special agents in visiting the ports of Grand Cayama, and other ports in the West Indies	25,000	
Expenses of counsel, printing, &c., in the prosecution of my claim against Hayti	250,000	
		$1,190,520
		2,166,480
Damages to my person in the matter of my arrest and captivity, consisting in sufferings, mental and physical, false and malicious charge of piracy, of being a slaver, the threats of execution as such, the attempted poisoning, the terrible and inhuman tortures and sufferings to which I was subjected, in chains, for nearly three years, in filthy and noisome dungeons, the stonings and beatings, mobbing and starvation, inflicted in contempt of all usage of civilization and in outrage of all humanity, all to such a degree as to permanently impair my health and undermine a constitution that, in ordinary persons, would have succumbed. And, finally, chief of all, the loss of a dear wife and two children; the wife, believing the reports published in the newspapers at the instance of the Government of Hayti, that A. Pelletier had been convicted of piracy and selling persons captured by him in slavery, and suffered the penalties of the law therefor, remarried, and left the United States, taking with her the two children, by which means I was bereft, by the acts of that government, of wife, children, home, means, and health	300,000	
		2,466,480

[Inclosure 2 in No. 135.]

Mr. Pelletier to Mr. Evarts.

WASHINGTON, D. C., *October* 29, 1880. (Received October 30.)

SIR: I have your favor of the 26th instant, acknowledging the receipt of the "statement of the particulars of my claim" against the Haytian Government. Whilst the demand I make for compensation for loss of property and personal suffering against that government is apparently large, still I feel confident that, in the light of the evidence filed, it cannot deny the justice of it. Looking, however, to a prompt adjustment and payment of my claim, without reference to arbitration, and taking into consideration that I am quite advanced in life, and that the Haytian Government is poor, I have concluded to accept six hundred thousand dollars in full satisfaction of my claim against that government, if settled promptly and satisfactorily without the delay of an arbitration. Pay two hundred thousand dollars cash in hand, and four hundred thousand dollars in the bonds of the government upon recoverable payments.

I am, sir, your obedient servant,

ANTONIO PELLETIER.

No. 16.

Mr. Langston to Mr. Evarts.

No. 323.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, Dec. 17, 1880. (Received Dec. 31.)

SIR: I have the honor to advise you that within a very few days I have had conversations with the Hon. Evariste Laroche, in the absence of the President, charged with the department of foreign affairs, with the Presi-

dent himself, who, having returned to the city, spent five days here last week, leaving again for the south on the 11th instant, and with the Hon. C. Archin, secretary of state of foreign affairs *ad interim*, during the absence of Mr. Laforestrie in Paris, on the 9th instant, in regard to settling the reclamation of Captain Pelletier.

In these several conversations I labored to impress upon the officials referred to the importance of giving this case prompt and thorough consideration, and immediate and ample settlement. In word certainly, and apparently really, the secretary of Mr. Archin, who is also the law officer of the government, assured me that upon the return of the President, about the 28th of this month, this case should be given immediate attention, and early in the month of January next I might hope to receive an answer from his government thereupon. I simply replied, "I shall rely upon your promise in that behalf."

In acknowledging the receipt of your instruction, No. 135, dated November 3, 1880, with regard to this case, I beg to assure you that I shall press it with vigor, in accordance with your instructions.

I am, &c.,

JOHN MERCER LANGSTON.

Mr. Langston to Mr. Evarts.

No. 339.] LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, January 29, 1881. (Received Feb. 12.)

SIR: I have the honor to transmit herewith inclosed a copy of a note addressed by me to the Hon. C. Archin, on the 17th instant, with regard to the settlement of the claim of Mr. Antonio Pelletier, in which he is reminded that I expect him to keep his promise made with respect thereto on the 9th ultimo. Again, on the 25th instant, in a conversation had with him at this legation, I reaffirmed that our government regarded this case as a very grave one, and expected that the Haytian Government, regarding it in the same light, would make no delay in reaching some proper adjustment thereof. Whereupon he stated that he had the case under consideration, and that he did not fail to appreciate its importance.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 339.]

Mr. Langston to Mr. Archin.

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, January 17, 1881.

SIR: In an interview had with you on the 9th ultimo. you will remember, that, referring to your dispatch of the 6th of August, in reply to mine of the 12th of July last, with regard to the reclamation of Mr. Antonio Pelletier, you assured me that in the early part of this month, after the return of the President from the South, your government would advise me as to its conclusions with respect to such claim.

I have now, Mr. Secretary, the honor to state that I await information in such behalf.

I am, &c.,

JOHN MERCER LANGSTON.

Hon. C. ARCHIN,
Secretary of State of Foreign Affairs,
Port-au-Prince, Hayti.

No. 18.

Mr. Evarts to Mr. Langston.

No. 145.] DEPARTMENT OF STATE,
Washington, February 16, 1881.

SIR: Your dispatch, No. 339, of the 29th of January last, relative to the Pelletier claim, so called, has been received. It is accompanied by a copy of a note which you had addressed to the Haytian minister for foreign affairs on the subject. Hopes had been entertained from the tenor of your previous interviews with that functionary, to which you refer, that his government would of its own accord have made an offer of honorable settlement in the case. It is hoped that a similar offer will not be delayed, so that intelligence may reach here in the early days of next month. Such an event would certainly illustrate your official career.

I am, &c.,

WM. M. EVARTS.

No. 19.

Mr. Langston to Mr. Evarts.

No. 350.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 25, 1881. (Received March 11.)

SIR: I have the honor to bring to the attention of the Department a dispatch, a copy of which, with translation, is herewith inclosed, dated as of the 5th instant, from Hon. C. Archin, acting secretary of state of foreign affairs of this government, in which he advises me that the claim of Antonio Pelletier is being considered by the cabinet, and within a few days he hopes to be able to give me the decision of his government with regard thereto.

On the 15th instant, I addressed a note, a copy of which is herewith inclosed, to Mr. Archin, in which, after thanking him especially for the information given me touching the case of Mr. Pelletier in this dispatch, I invite his attention to the statement of Captain Pelletier's claim as presented by him to the Department, and transmitted to me in your instruction No. 135 of November 3, 1880, a copy of which statement I forwarded, as you will perceive from my note therein to the Haytian Government. The items of claim as made by Captain Pelletier in his statement referred to amount, as you will remember, to $2,466,480. As I state in my note, I believe this statement will aid the honorable council of secretaries of state in reaching a fair and just conclusion with respect to this grave and serious case.

On the 22d instant, I had the honor to receive a note from Mr. Archin, a copy of which, with translation, is herewith inclosed, in which he advises me of the receipt of my note of the 15th instant with its inclosure as already stated. He further promises to bring my note and the statement to the attention of the council of secretaries of state, who will give, the matter due consideration, and their conclusion, so soon as found, he will make haste to make known to me.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosure No. 2.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS (Section —, No. —),
Port-au-Prince, February 5, 1881.

Mr. J. M. LANGSTON,
Minister Resident of the United States of America at Port-au-Prince:

Mr. MINISTER: I have had the honor to receive your three dispatches of the 17th and 18th January last, and have hastened to place them under the eyes of the members of my government.

As regards Mr. Hugo, Kainer, to whom you wish in the name of your government give the post of consular agent at Port de Paix, instead and place of Mr. A. Charlemagne, who occupied that office, and who has resigned his functions, you will not deem it wrong that before answering you we take some information as to the personality of that gentleman, of whom we hear for the first time, unless you yourself can furnish us such information, for which we should be very grateful.

As regards the affair Kunhardt & Co., referring to the explanations, verbal, which you gave me in our last conversation, and which I have presented to the council, I have the pleasure of announcing to you that, notwithstanding the great actual embarrassment of the public treasury, my colleague of the finances will place at your disposal the first of the terms due of this claim, to wit, $4,467.50.

This is all which it is humanly possible for us to do at present, and I hope that you will be indulgent toward us, owing to this embarrassing situation.

The documents relating to the Pelletier claim are at this moment under consideration of the council of the secretaries of state, which has commenced the examination thereof this week. I therefore hope that within a few days I may be able to let you know the decision of my government in that regard.

In the mean time, be pleased to receive, Mr. Minister, the new assurance of my high consideration.

The secretary of state of foreign affairs, *par interim*.

C. ARCHIN.

[Inclosure No. 3.]

No. 136.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, February 15, 1881.

SIR: Referring to your dispatch addressed to this legation on the 5th instant, and acknowledging its due receipt, I have the honor to tender you my thanks, especially for that portion of the dispatch in which you advise me that the reclamation of the American citizen, Antonio Pelletier, is being considered by the honorable council of secretaries of state, and that within a few days you hope to be able to communicate to me the decision of your government with regard thereto.

It appears to me to be opportune, Mr. Minister, to present for your consideration at this time in succinct, yet comprehensive tabular statement, the several general and detailed items of claim held by Mr. Pelletier against your government, and which, as it would seem, may be justified and supported by manifest considerations of law and equity.

I beg therefore to present to you herewith inclosed a statement forwarded to me by my government, as prepared by Mr. Pelletier himself, formulating the several matters of his claim against your government. I have no doubt, Mr. Minister, that this statement, carefully considered, will greatly facilitate the endeavors of the honorable council of secretaries of state to reach a fair and just conclusion with respect to this grave and serious case.

I embrace this opportunity, Mr. Minister, to renew to you the assurance of my very distinguished consideration.

JOHN MERCER LANGSTON.

[Inclosure 5.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS (Section—, No.—),
Port-au-Prince, February 22, 1881.

Mr. J. M. LANGSTON,
Minister Resident of the United States of America, Port-au-Prince.

Mr. MINISTER: I have the honor to acknowledge the receipt of your dispatch of the 15th February instant, complemental of the reclamation which you have presented against my government in favor of Capt. Antonio Pelletier, accompanied by a statement of the claims which he believes ought to amount, and which do amount, to the enormous figure of $2,466,480. These documents shall be placed with your previous notes to be brought to the attention of the council of secretaries of state, who will give thereto such solution as may be just, of which I will make haste to give you notice.

In the meantime I pray you, Minister, to be pleased to accept the renewed assurance of my high consideration.

The secretary of state of foreign affairs, *par interim*.

C. ARCHIN

No. 20.

Mr. Langston to Mr. Evarts.

No. 356.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, March 3, 1881. (Received March 24.)

SIR: In acknowledging the receipt of dispatch No. 145, from the Department, dated February 16, 1881, referring to the claim of Captain Pelletier, I beg to state that, so far as this legation is concerned, such claim has been and is being pressed with all possible vigor. I had hoped, according to the several repeated promises, of which you have already been advised, of the honorable secretary of state, C. Archin, to have been able to report some weeks ago the decision of the Haytien Government with regard to this case.

The gravity of this case is well understood by the Haytien Government; it cannot fail to recognize its justice, but it evidently seeks delay in its settlement, hoping, per adventure, to find way of escape from its adjustment. There is no legitimate defense to be made against this demand, and if I do not receive some response from this government, having in view definite settlement thereof, so that I may advise the Department of such fact by the mail leaving this city on the 26th instant, I shall feel it to be my duty then to ask the government to give this legation such assistance in the premises as to compel its due and immediate payment.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

No. 21.

Mr. Langston to Mr. Blaine.

No. 360.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, March, 1881.

SIR: I have the honor to transmit herewith, inclosed with translation, a copy of a dispatch dated on the 15th instant, received by me on the 16th, in which Mr. C. Archin, acting secretary of state of foreign affairs of the Haytien Government, presents its decision upon the reclamation of Capt. Antonio Pelletier.

Mr. Archin, in his dispatch, much more lengthy and elaborate in its statement of what is claimed to be the facts of this case than that of Mr. Laforestrie upon the same subject of April 6, 1880, transmitted to the Department as an inclosure to dispatch of this legation No. 251 of April 20, 1880, submits the conclusion of his government, that it refuses to accord the demand made in behalf of Captain Pelletier, or to submit the case to arbitration.

After stating that Captain Pelletier was delivered by Mr. Memcan,

the French consul residing at Cape Haytïen, to whom he had appealed for aid and protection, to the Haytien authorities, to be tried as a pirate and slaver according to the laws of Hayti, alleging, also, that his trial being in all respects legal and fair, he enjoying as to his defense the largest liberty, being defended by the ablest attorneys of the Haytien bar upon public and contradictory pleadings, was duly convicted and sentenced finally to confinement for five years in irons with confiscation of his vessel, its rigging, and furniture, and that it was during his confinement in prison at Port-au-Prince, according his sentence, that he became so sick that he was transferred through the generous pity of the Haytien authorities to the hospital of that city, from which he made his escape.

The honorable acting secretary further states that whatever may be the interpretation of the facts which he presents, sustained as they are by the official documents pertaining to this case, four things are true: 1st, that Capt. Antonio Pelletier, charged with the double crime of piracy and attempt of slave-trade in Hayti, was arrested, tried, and condemned according to the laws of the republic, as every Haytien and other person against whom like offenses might have been made would have been tried; 2d, that in his trial, in which several others of different foreign nations were involved, in favor of whom no claim has been presented since Captain Pelletier and his co-accused were tried upon public and contradictory pleadings, before a legally constituted jury, and with all the privileges attaching to a free and complete defense; 3d, that he, with his co-accused, against all the decisions made in this case, exercised all those means of recourse given by the laws of the republic, even against the sentence of the criminal court of Cape Haytien of June 23, 1862, which condemned him to the punishment of five years' confinement in irons, and which became definitive; 4th, that this last judgment has acquired the authority of a thing adjudged, and for more than eighteen years since it was rendered, no judgment, no other act provoked by Capt. Antonio Pelletier and emanating from the judicial authority has been taken to disturb the faith due and the judicial verity attached to the last and definitive sentence pronounced against him, and from which, after he had submitted to the punishment pronounced against him, he escaped by flight.

In view of such circumstances, the Government of Hayti refuses to consider the demand which has been made in behalf of Captain Pelletier, and charges Mr. Archin to express its decision accordingly to me.

As to the real facts of this case, the outrages perpetrated upon Captain Pelletier, the denial of every semblance of justice in the mock trial which was accorded him upon the false charges of piracy and slave-trading, his conviction and sentence, and the confiscation of his property, the Department is fully advised, as its instructions heretofore given me with regard to this reclamation fully show.

I beg to state that while I am greatly disappointed and surprised at the conduct and the position shown and taken by the Haytien Government with respect to this case, it is now manifest that the only alternative left to our government in the premises, would it sustain its instructions already given in this case, is to indicate its purpose and determination with regard thereto in such manner as to make its demand in behalf of its outraged citizen duly appreciated and felt.

Awaiting any further instructions which the Department may be pleased to make in this case,

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

[Inclosures.]

No. 1. Copy of Hon. C. Archin's dispatch to Mr. Langston, dated March 15, 1881.

No. 2. Translation of above.

[Inclosure No. 2.—Translation.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS (Section, —, No. —),
Port-au-Prince, March 15, 1881.

Mr. J. M. LANGSTON,
Minister Resident of the United States of America at Port-au-Prince:

Mr. MINISTER: As I have had the honor to promise you in one of my late dispatches, my government has *de novo* attentively and minutely examined the reclamation which you have presented to it on behalf of Capt. Antonio Palletier, condemned by the Haytian tribunals in the year 1861, first to capital punishment, then, upon appeal from this sentence for false application of the penal law, to five years in irons, and that for the crimes of piracy committed on the high seas, and of attempt of slave trade upon the coasts of Hayti, and in favor of whom you demand the fabulous indemnity of $2,466,480, for the estimation of which you demand of us even to have recourse to arbitration. The gravity and importance of this claim, made after an interval of nearly eighteen years, and following civil troubles which, by agitating violently and almost constantly, during a sufficiently long time the country, have deranged and even destroyed a good portion of the public archives, have not permitted to be made sooner this examination, which required care and reflection.

Without doubt, Mr. Minister, your government has been led into error by the person interested to present to the government of the Republic such claim which *a priori* and in our inmost conviction your government would have, of itself and without any suggestion from another, repulsed, if it could have known exactly and primarily the truth of this affair, in which the dearest interests of humanity maintained by the laws of all civilized nations have unfortunately been brought in question.

My position of citizen and of secretary of state of the Republic of Hayti imposes upon me then, first of all, the imperious obligation to exert myself to re-establish to you the facts in all their nakedness and disrobed of all interested character or of resolution taken.

According to the official documents which are in the possession of my government, Capt. Antonio Pelletier sailed upon a vessel called the William, whose true flag it has never been possible to ascertain (since he took successively that of several nations), and which had on board a crew and a set of instruments and objects, the details and composition of which indicated clearly its purpose of slave trading, had been, upon the formal charge of one of the men of his own crew, bringing against him the grave accusation of being at once pirate and slaver, arrested at Fort Liberté, during the year eighteen hundred and sixty-one by Mr. Memican, French consular agent residing at Cape Haytien, of whom Captain Pelletier had asked support and protection, and who, recognizing him such as his accuser had represented him, remitted him to the hands of Haytian justice, to be judged conformably to the laws of Hayti. In consequence of such double prevention, Captain Pelletier was transferred to the prisons of the city of Port-au-Prince, where the trial took place; and this was only after a long, minute, and costly procedure, which lasted for entire months, and which had been brought before several tribunals, and after public and contradictory pleadings, in which the accused was defended with the largest liberty and with the support of the most eminent lawyers of the Haytian bar, that Captain Pelletier, condemned first to death and to the payment of damages to Messrs. Juan Cotes and Antonio Cano, who had been made civil parties against him and his co-defendants in the trial, by the criminal court of Port-au-Prince, upon the affirmative declaration of the jury of its judgment, as it appears from such sentence dated August 30, 1861, annulled upon recourse by him taken to the court of cassation (decree of the 14th of October, 1861) had been definitely condemned by the criminal tribunal of Cape Haytien, designated by the supreme court to take cognizance thereof, to the punishment of five years in irons; and that, conformably to the penal law, the William, seized and confiscated with all its rigging and apparel as having served as instrument for the prepetration of the illegal acts brought against its captain and crew, had been publicly sold at auction.

While he was undergoing his punishment at Port-au-Prince the condemned, Antonio Pelletier, upon the statement which he made to the administration of the prison with regard to a malady from which he said he was suffering greatly, and which rendered

dangerous to his life his prolonged detention in the prison of the capital, obtained, through the generous pity of the Haytian authority, his transfer to the hospital of this city to be cared for; but he took advantage of this favor given him to escape from that place and fled thus from the territory of Hayti.

Whatever may then be the manner in which one might or would interpret these facts, which accord with the terms of all the pieces and documents relative to this affair and made public at the time through the official journal of the Republic, there will remain, Mr. Minister, as absolutely undeniable and authentic the following points: 1st, that Capt. Antonio Pelletier, charged of the double crime of piracy and attempt of slave trade upon the soil of Hayti, had been arrested, judged, and condemned according to the laws of the Republic, as every Haytian or other person would have been against whom there might have been imputed like crimes; 2d, that in his trial, in which several other foreigners of different nations were found involved, in favor of whom no reclamation of the fact of none of the other powers of which these last were subjects has been presented since then, Capt. Antonio Pelletier and his co-defendants had been tried upon public and contradictory pleadings, and before a jury legally composed, and had enjoyed all the privileges attaching to a free and complete defense; 3d, that he had exercised largely with his co-defendants against all the decisions rendered in this affair, all the means of recourse which the laws of the Republic gave him, even against the sentence of the criminal court of Cape Haytien of the date of the 23d of June, 1862, which condemned him to the punishment of five years in irons, and which had become definite; 4th, that this last judgment had acquired the authority of the thing adjudged; and that, since more than eighteen years that it has been rendered no judgment, no other act provoked by Capt. Antonio Pelletier and emanating from the judicial authority, which according to our constitution is an independent power and separated from the two others with which it forms the government of the Republic, has appeared to even shake the faith due and the judicial verity attached to the last and definitive sentence against him pronounced, and of which he had commenced to suffer the punishment which it pronounced, from which he escaped by flight.

In view of these circumstances the government of the Republic cannot, to its great regret, take into consideration that which you demand of it in behalf of Captain Pelletier, and charges me to advise you of it.

The government of the Republic, full of confidence in the justice, the equity, and the undoubted intelligence of the Government of the United States, as well as in the respect which it has not ceased to show for the authority of the laws, either within its own territory or within that of other countries, its friends or allies, dares to hope that your government, informed now upon the true situation of the one for whom it has charged you to make intercession and to make reclamation of our government, will be convinced of the error in which the interested party has sought to draw it, and will abandon the action which it has presented and which nothing can reasonably justify.

In this hope I have the honor, Mr. Minister, to renew to you the assurances of my very high consideration.

The Secretary of State of Foreign Affairs, *ad interim*

C. ARCHIN.

47TH CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 87.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In further response to Senate resolution of March 18, 1881, *a report of the Secretary of State, touching the capitulations of the Ottoman Empire.*

FEBRUARY 2, 1882.—Read and referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate of the United States:

I transmit herewith, in further response to the resolution of the Senate of the 18th of March, 1881, a report of the Secretary of State, with its accompaniment, touching the capitulations of the Ottoman Empire.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 2, 1882.

To the President:

In further response to the resolution of the Senate of the 18th of March, 1881, requesting the transmission to that body of a copy of the report made by Edward A. Van Dyck, consular clerk at Cairo, on the capitulations of the Ottoman Empire, the Secretary of State has the honor to lay before the President the second part of that report, touching Ottoman private international law.

Respectfully submitted.

FREDK. T. FRELINGHUYSEN.

DEPARTMENT OF STATE,
Washington, February 2, 1882.

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REPORT

ON

THE CAPITULATIONS OF THE OTTOMAN EMPIRE.

CONTINUED FROM VAN DYCK'S REPORT FOR 1880 *ON THE CAPITULATIONS OF THE OTTOMAN PORTE.*

THE LAW AND PROTOCOL CONCERNING REAL ESTATE—(Continued.)

17. OF THIS LAW IN ITS RELATIONS TO THE VARIOUS SOURCES OF OTTOMAN JURISPRUDENCE.

In order to take up the thread of continuity, I shall repeat a few sentences contained in No. 15 of Chapter V, of my report for 1880.

It has been said and repeated by many that, according to Ottoman legislation, foreigners coming to Turkey were until recent times interdicted from possessing real estate within the territory of the empire. Let us see how far this statement is true, when examined *theoretically* by the light of the various sources of Ottoman law or legislation.

And first of all let us examine the question whether the moslem or religious law, the *Shariâh*, is opposed to the holding by foreigners of real estate in moslem countries.

In *Multaga el Abhur*, page 109, of the Arabic edition printed at Constantinople in 1252, Anno Hejiræ, in the section concerning foreign residents (*Musta'men*) it is laid down that—

> The foreigner may not dwell in our territory a whole year; and it shall be said to him, If thou dwellest a year we will impose upon thee the personal tax (*djizyah*); and if he dwell a year he becomes *ipso facto* a tributary (*Dhimmi*), and he may no more return to his own country. Likewise, should it be said to him, If thou dwellest one month, or thereabouts, and he does dwell, or buys land and the kharaj-tax of the same is imposed upon him, and there is also imposed upon him the *djizyah* (tax on his person) for one year from the time of the placing of the kharaj-tax, * * * then, if he returns to his own country, his blood has become *ipso facto* lawful.

Again, the *Sharai-kabir*, a work on moslem jurisprudence quoted by Bélin in a note to page 115 of his essay on real estate in moslem countries, contains what may be rendered thus:

> If a *Musta'men* (foreigner) buys or cultivates a piece of land, tithe-taxed or kharaj-taxed, he must pay the kharaj-tax for the land, and the djizyah-tax for his person; he does not, however, become a *Dhimmi* by the fact of the purchase of the land, but solely by the fact of cultivating it. The kharaj-tax on the land implies, as to the owner, the tax upon the person.

Finally, the *Hidâyah* (or Guide), one of the chief works of the Hanafite school or rite, says in book 9, chap. 6, page 197, as follows:

> If a stranger under protection comes into a moslem country and there acquires a parcel of land subject to the tribute, so that the tribute is imposed upon him, he be-

comes a *Dhimmi*, that is to say a subject; because the tribute upon the land is the substitute of the tax upon the person. * * * Nevertheless he does not become a *Dhimmi* right after acquisition of the land, nor until he commences to pay the tribute; for a *foreigner may acquire land for speculation*, but by becoming subjected to the tribute he subjects himself also to the personal tax for the following year; for by submitting himself to the tribute he becomes a *Dhimmi*.

From these texts of moslem jurispudence, it appears clearly that the Mohammedan common law (the Shariâh) does not absolutely forbid strangers from acquiring real property in moslem countries, but subjects the foreign purchaser to the payment of the kharaj-tax on the land and then to the payment of the *djizyah* as to the person.

But these imposts, the *kharaj* on the land and the *djizyah* on the person of a non-moslem, were once for all abolished by virtue of the Hatti-Sharîf of Gul-Hâneh of 1839 and of the Hatti-Hamayûn of 1856. In the earlier of these two charters, the Sultan sought to secure for the provinces of the Ottoman Empire the benefits of good government by the introduction of new institutions that were to bear chiefly upon the three following heads: (1) The guaranties for insuring to his subjects perfect security as to their life, their honor, and their fortune; (2) A regular method for the assessment and collection of taxes; and (3) an equally regular method for the levying of soldiers and the duration of their service. How the second of these three objects was to be attained the Hatti-Sharîf determined by further ordaining that—

Thenceforth every member of Ottoman society should be taxed for a proportional part of the impost, to be reckoned on the basis of his fortune and his abilities, and that beyond this nothing could be exacted of him.

And the charter of 1856 further decreed that.

The taxes that are exigible from all our subjects shall be collected under the same designation without distinction of class or creed.

All religious sects within the Ottoman Empire having been put upon the same level in this respect, by the abolition of the above-mentioned discriminative taxes, there would thus have been no difference, so far as regards Ottoman law, between subjects and foreigners as to the acquisition of real estate. Both could have acquired and held this kind of property and would have been subject to the same taxation, as is the case throughout Christendom. Nor is anything to be found in the ordinances of the Sultans, whether in those that contain the reforms of the so-called *Tanzimât* or even in those that are anterior to them, that forbids foreigners from becoming holders of real property.

Thus, too, in the preamble to the imperial rescript of the 7th of Safar, 1284, regulating the matter in hand, the holding of real estate is spoken of as a right exercised even by foreigners, but concerning which there were abuses and uncertainties which it was intented to remedy:

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses, and to the uncertainties which arise on the subject of the exercise by foreigners of the right to hold property within the Ottoman Empire.*

Whatever explicit prohibitions there are against foreigners holding real estate in Turkey, they should be sought for in the European decrees that forbid Europeans to establish themselves fixedly and permanently in moslem lands, perhaps for fear that they would definitely abandon their own country, or perhaps, too, out of fear that they would by compulsion or for some other motive change their religion, but more likely in order to avoid coming into embarrassing collision with the

* See the French text and not our English translation given in the President's proclamation of October 29, 1874.

stricter teaching of moslem law, whereby a stranger who pays the *kharadj* on his land must also pay the *djizyah* on his person and thereby becomes a *Dhimmi*, who can no more, under pain of death, return to his home (see above the quotation from Multaga el Abhur).

Thus we read in the French ordinance of the year 1781, title II, article 26, as follows:

His Majesty forbids his subjects established in the sea-ports of the Levant and of the Barbary states from there acquiring any real estate or fixed property other than the houses, vaults, magazines, and other property necessary for their lodging and for their goods and effects, under pain of being sent back to France.

ART. 28. His Majesty forbids all his subjects from taking any land or other objects by farmage, whether from the Great Lord (Sultan), the Barbary princes, or their subjects, or from entering into any partnerships with the farmers, tenants, or others, under pain of being sent back to France.

According to this ordinance it was held that the French could acquire houses, stores, &c., and hence that the right of holding real property in general was not forbidden them, but only that of holding lands or immovable estate beyond what was necessary for carrying on their commerce. This very prohibition by a European ruler would seem to prove that the Ottoman law did not stand in the way of foreigners acquiring immovable property in Turkey. Indeed, such a prohibition on the part of a European legislator would have been needless if it had existed in the laws of the Ottoman Porte. That it was contained in the former implies that the acquisition of real estate by foreigners in Turkey was possible so far as the local law was concerned.

Moreover, the actual facts demonstrate the truth of what has just been said, for throughout the Ottoman Empire, but particularly in Egypt, a not inconsiderable quantity of real estate had belonged to Europeans long before the imperial rescript of 1284 A. H. Under the rule of the Mohammed Ali dynasty in Egypt, besides having given away not a few pieces of land to Europeans, the government itself conveyed others to them and executed the contracts in the premises, in which the rights of ownership of the Europeans were fully recognized.

How, then, did it get to be held that within the Ottoman Empire strangers (foreigners) were forbidden from acquiring real property, if the law was not against their so doing?

This opinion arose probably out of the circumstance that very many governmental authorities, and especially the subaltern officials, out of fanaticism and hatred to foreigners, threw obstacles in the way of foreigners acquiring landed property, and would not allow the same to appear on the state register in the name of the foreign purchaser. Thus during the rule of Abbas Pasha in Egypt orders were given to the *cadis* (judges) to grant no *hodjet* (title-deed) to those Europeans who had bought houses or lands from the natives; and although they remained in the possession and enjoyment thereof, no one daring to molest them, yet during the rule of that viceroy the public contracts of conveyance could not be executed between the buyer and seller before the *cadis*, or judges.

But these were mere obstacles of fact, arbitrary and unfounded in law, and which lasted only for a time. Indeed, right after the death of Abbas Pasha the government of his successor, Said Pasha, revoked these orders and the *hodjets* (title-deeds) were granted again and continued to be granted to Europeans without difficulty. Perhaps it was from similar purely arbitrary acts and from ignorance of moslem laws that the erroneous opinion arose throughout Europe that Ottoman law denied to foreigners the right of holding real estate in Turkey.

But even these obstacles of mere fact should have been no longer

possible in the presence of the clear provision of the Hatti Hamayûn of 1856, which declared in its twenty-eighth article that—

> As the laws which govern the purchase, the sale, and the possession of real property are common to all Ottoman subjects, it is likewise permitted to foreigners to possess real estate by their conforming to the laws of the land and to the regulations of the local police and by their paying the same taxes as the natives, after, however, the arrangements in the premises shall have been made between my government and the foreign powers.

By this article of law the Ottoman Porte did not introduce a new right; it had done nothing more than confirm what the already existing and anterior laws had provided for, and at the same time it prevented the governmental authorities from thenceforth laying obstacles in the way of their application. Indeed this article did not as much as declare that thenceforth foreigners would be permitted to hold real property. It went no further then to enunciate, as an existing rule, the right of foreigners to possess landed estate in Turkey: "It is equally permitted to foreigners to possess real estate."

Furthermore, this right to possess, recognized to foreigners was subordinated by the said law to certain conditions. What are they, and how ought they to be interpreted?

These conditions are two: 1. That foreigners shall comply, in the exercise of this right, with the laws of the land, and with the regulations of local police (En se conformant aux lois du pays et aux règlements de police locale). 2. That foreigners shall pay the same taxes as the natives; after, however, an agreement in regard to such taxes should have been arrived at with the foreign powers (Et en aquittant les mêmes droits que les indigènes, après toutefois les arrangements qui auront lieu entre mon gouvernement et les puissances étrangères).

The first of these conditions is in accordance with the sound principles of right. It is a consequence flowing out of the universally admitted rule that real property must stand entirely under the laws of the country where it is situated.

Nevertheless, it should be remarked that when the laws of the land are spoken of the capitulations and treaties of the Porte with the foreign powers ought also to be counted among these laws; for such diplomatic instruments constitute a positive law existing within the Ottoman Empire, which cannot be set aside or departed from without the consent of these powers. Wherefore, whenever it is a question of applying to foreigners, possessors of real estate, a law promulgated in Turkey, this ought so to be done that such application shall not clash with the capitulations and commercial treaties, but be in harmony with them. The full importance of this observation will be hereafter seen when we come to speak more fully of the provisions contained in the law and protocol, and of their consequences.

The second condition also, that relating to taxes, appears quite reasonable, and seems to be such as to leave no room for serious difficulties.

In fact, what could be desired more equitable than that foreigners be subjected on this head to the very same treatment as the natives? To lay claim to a better and more advantageous treatment would be indeed exorbitant.

On the other hand, this condition, so equitable and reasonable in appearance, did seem to clash against the literal provisions of the capitulations, which declare that foreigners are to pay throughout the Ottoman Empire no other imposts and taxes than those indicated in them. Thus, in the French capitulations, Article 63 is worded as follows:

> The French merchants and others dependent upon France shall be able to travel with the passports given them; * * * without that this kind of travelers, keep-

ing within the bounds of their duty, may be disturbed for the tribute called *kharadj*, not for any other impost; and when they shall, in accordance with the imperial capitulations, have goods subject to duty after having paid the duty thereon, according to usage, the pashas and cadis and other officials shall not hinder their passage.

And still more clearly in the English capitulations, Article 13:

All Englishmen or British subjects, married or not married, who shall dwell or reside in our states, whether they be artisans or merchants, shall be exempt from *every kind of tribute.*

The Austrian capitulations are in this respect more explicit than all. Article 35 reads thus:

By virtue of this sublime capitulation, the consuls, vice-consuls, interpreters, and merchants of his sacred royal Cæsarian majesty, and all the servants that are now actually in their service, shall be free and exempt from all tribute or other imposts.

By reason, therefore, of the capitulations, all foreigners residing within the Ottoman Empire, after that they have paid the duties of custom upon the goods that they import or export, are no more subject to any tax or impost, whether personal or other, although the natives do have to pay it.

This is clearly contrary to the practice which obtains throughout Christendom. But how many of the provisions of Ottoman international law differ from those of European public law? Nor is it to be wondered at, seeing that the two systems of law differ essentially and are based upon quite dissimilar principles, as has been already shown in another part of this report. (See report for 1880.)

It is not difficult to discover the reason for this dissimilarity in the matter of imposts and taxes between the states of Christendom and the Empire of Turkey. In the former countries taxation has been from very early times based upon certain and precise rules; is in no way arbitrary or vexatious, however onerous it may sometimes be; it is made use of as a means for supplying the needs of the state, and the caprice of rulers has but little control over it. This being so, the states of Christendom could find no difficulty in accepting the principle of reciprocity for those of their subjects who went to foreign countries, and were well able to embrace the maxim that their subjects should be treated like the natives.

But matters took a different course in the Orient, for the reason that it is under moslem rule; and where this domination exists taxation, whether of person or of property, has never been fixed after a regular and rational method. It has always been left to the arbitrary caprice, not exactly of the sultans, but of the provincial governors. Thus, from the earliest times, the system of farming out the taxes has been followed, and provided the required sum reached the treasury from a province, the tax-farmers were at liberty to exact whatever they chose, and there was no limit or shelter against their greed. If recourse was had to the provincial governor, he himself was receiving large sums from these very tax-farmers, and joined with them in vexing and worrying the poor subjects.

But this was not the worst side to the matter of taxation in the Ottoman Empire. The taxes were *not the same for all subjects.* Those of the moslem religion were exempt from many imposts that weighed grievously upon the subjects of all other creeds. The *rayahs*, that is to say, Christians and Israelites, were subjected to so many taxes of different kinds, both of person and of property, that could not be borne; even the manner of exaction was humiliating and degrading. (See last year's report.)

Moreover, foreigners, whether Christians or Israelites—and all who came from Europe were either of the one or of the other belief—had to be placed, according to moslem law, upon the same footing as the non-moslem subjects. They were called *musta' men*, that is to say, seekers of security and safety for their lives and persons, for without a promise of security or safe conduct from the ruler, the non-moslem stranger could not remain in Islamic territory, any one being free to kill him; and this *amân* or personal security was to be granted him by the ruler only on condition of his being treated like the native non-moslem subjects, and therefore of his submitting to all the *avanies* and taxes to which the latter were subject.

Such being the case, it was not possible that the European powers who had dealings with the Porte and negotiated capitulations with it, should have consented to the subjection of their subjects to the same taxes as the natives, and more especially to those laid upon the non-moslem natives. To have permitted this would have been to make it impossible for them to come and establish themselves upon moslem ground for the purposes of commerce or otherwise.

Herein lies the why and wherefore of the express terms of the capitulations that, with the exception of the duties of custom, the European should be subjected to no impost or tax in Turkey.

On the other hand, the customs duties were, and continue to be, fixed at a figure sufficiently high to so make it that foreigners residing in Turkey do contribute in their turn also towards the ordinary taxes of the country, not, however, under the name of tax or impost, but under that of customs duties.

From this standpoint it is not perfectly correct to say, as Ottoman governments are wont to often state, that foreigners are free from taxation, while their own subjects are not. The foreigner is taxed, but indirectly and under the head of duties.

It was necessary to have recourse to this system because of the bad systems that obtain throughout Turkey as to the taxes. Until, therefore, the system in vigor had been changed by common agreement between the powers and the Porte, it was not possible to subject foreigners possessing real estate property to the burdens of taxation which weighed upon that owned by the native subject. Indeed in the Hatti-Hamayûn of 1856 it was expressly declared that without this previous arrangement the imposts and taxes upon real estate were not be be exacted. It only remains, therefore, to see how this agreement was effected. And here we come again to the imperial rescript of the 18th of June, 1807, A. H. 1284.

This ordinance has the form and character of a project or draft drawn up by the Porte for applying to the exercise by foreigners of the right to hold real property in Turkey, the two conditions spoken of above that are contained in Article 28 of the Hatti-Hamayûn of 1856. Indeed, Article 5 of the rescript of 1284 says, in so many words:

Every foreign subject shall enjoy the benefit of the present law as soon as the power of which he is a subject shall have adhered to the arrangements proposed by the Sublime Porte for the exercise of the right to hold property.

The powers have fully accepted the draft as it was presented by the Porte, subject to the limitations, precautions, and definitions contained in the protocol,* and the consequence is that two of the principal privi-

*The protocol, however, says: "It is well understood that these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law."

leges theretofore belonging to Europeans and to citizens of the United States within the Ottoman Empire have been lost, or at least greatly curtailed. These are, the privilege of exemption from every import other than the duties of custom, and that of being judged, in suits where they are defendants, or in suits where the question turns upon a matter of real estate between two foreigners, by the consular tribunal of the defendant.* Both these privileges had been accorded to foreigners by the capitulations and by long standing custom and usage.

In fact the second article of the law or imperial rescript ordains, without the slightest ambiguity, that foreigners who are owners of real property are bound—

1. To comply with the requirements of all laws and regulations, existing or that may hereafter be ordained, concerning the enjoyment, transmission, alienation, or hypothecation of real estate.

2. To pay all imposts and charges of every sort and under whatever form or name that are laid upon or that shall hereafter be laid upon city or country real property.

3. To submit themselves completely to the jurisdiction of the Ottoman civil tribunals in every question relating to real property, whether as plaintiffs or as defendants, even when both parties are foreigners and no native is interested.

In short, they are in all things (says the law) to hold real estate by the same title, on the same conditions, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attaching to their persons and movable goods according to the treaties.

In other words, foreigners residing within the Turkish Empire and owning real property therein continue to be foreigners as to their persons and movable property, but are just like natives as to their real estate. It becomes necessary, therefore, to see what are the laws and principles that govern the rights of foreigners in each of these two different aspects.

But having in last year's report treated fully of the capitulations and treaties of the Porte with foreign powers, that is to say, of OTTOMAN PUBLIC INTERNATIONAL LAW, I must now first treat of the *private international law of the empire*; that is to say, of the sum total of the rules, principles, and norms in accordance with which are to be decided all cases where a conflict arises between Ottoman private law and the private law of Christendom in the private relations and dealings of Ottoman subjects and foreigners residing in the Turkish Empire one with the other.

After this I shall have to treat of the position of foreigners in the empire as holders of real property, and seeing that under this aspect their position does not differ from that of the native, it will not be amiss to give in this connection a general outline of the constitution or organization of the Ottoman Empire. To do which it will be necessary first to lay before the reader a concise sketch of the fundamental principles

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* The law says, Article II, Par. 1, that the legal effect of the equality of foreigners with Ottoman subjects in all things that concern their landed property goes as far as the laws or police regulations or municipality regulations which govern or may hereafter govern even the *transmission of landed property*. And Article IV says: "Foreigners have the privilege to dispose, by donation or by will, of that real estate of which such disposition is permitted by law. As to that real estate of which they may not have disposed * * * by gift or testament, its succession shall be governed in accordance with Ottoman law." Even when there is no will, the real property of the deceased is to go to the heirs who are such, not according to the law of the person, but according to the law of the land.

of law that underlie the whole fabric of the Ottoman state, and then to examine the common law of the country, and the various other authoritative rules that govern and regulate the matter of real estate. In other words, I shall have to treat, first, of private international law in Turkey, and afterward, of Ottoman law, both public, internal, and private internal, and, finally, of the reforms and changes that have taken place in the laws of the empire during the past half century.

PART II.

OTTOMAN PRIVATE INTERNATIONAL LAW.

VI. Of Private International law in the Ottoman Empire.

The cases of conflict between the private international law of Christendom and that of the Ottoman Empire must be very many and much more frequent than in Christian countries; the question must often arise as to which is the law to be applied in the relations and dealings between Ottomans and Franks. The cases of conflict must be much more frequent than in Christendom from the circumstance that, owing to the privilege of jurisdiction accorded to Franks, very many consular tribunals are established upon Ottoman territory, belonging to different nations, and required to apply most dissimilar laws.

Although there is no *positive* private international law in Christendom, yet it exists as a science, and has reached to such a state of perfection that it is an easy matter for the courts of law to decide, by the light of its rules and data, any question that may arise out of the conflict of various laws. Besides, in every country of Christendom, the courts have established such and so many precedents of jurisprudence that they could be codified, as has been already attempted by some learned men.

But this science of the international law of Christendom cannot be invoked in Turkey. Owing to the differences between the Ottoman public international law and that of Christendom, the private international law of Turkey certainly cannot agree with that of the Christian nations. The difference is, in fact, very wide. It is, therefore, better to leave aside the science of the international law of Christendom and try to build up the theory of Ottoman private international law upon other bases.

To this end it is necessary to take, as a point of departure, some of the principles of *international law* relating to the encounter and conflict of civil laws, and especially those that determine the legal or judicial status of foreigners residing in Ottoman lands. For if this legal status or position be once determined, it will be possible to proceed with certainty to build up the theory of Ottoman private international law in the most of its consequences and deductions.

Now, in order to find out what is the legal status of foreigners residing in the Levant, and scientifically define the same, they must be divided into two classes; that is to say, into foreigners clothed with a diplomatic, or practically held to be clothed with a diplomatic character, and into foreigners who are simply private individuals. And inasmuch as ambassadors and public ministers accredited to the Sublime Porte do not differ essentially as to their attributes and privileges, from those residing near the powers of Christendom, there is no need of here considering them; the inquiry regarding persons clothed with a practically diplomatic character must of necessity be limited to the consuls of the Christian powers residing within the Ottoman Empire.

Among the agents, functionaries, or officials of their respective governments, the consuls of Christian powers residing in the various places of the Levant constitute a class by itself, which differs essentially from that of consuls residing in Christendom. It can even be said that it differs much as the modern institution of consulates (as it is now-a-days generally constituted) differs from that which existed in the middle ages. (See last year's report.)

It will not be amiss, therefore, to delineate, in brief outline, the position of consulates in the towns of the Levant; for upon the fixing of this point of public international law depend to a great extent the rules or forms that are to serve as a guide in determining the judicial status of foreigners, other than consuls or diplomatic agents, residing in those places.

The consuls of Christian powers appointed to reside at various points within the Ottoman Empire, whether in the provinces or in the tributary States, are or may be considered to be public ministers; they enjoy the prerogatives of ambassadors and receive to this end a Birâ'at from the Sublime Porte in which they are described by the title of Balios-bey* or Consulus-bey. By reason of these prerogatives their houses are an inviolable asylum against the laws and officials of the country; they are exempt from all customs duties, and cannot be arrested or tried by the Moslem authorities. They enjoy all these rights to a far greater degree and more unlimited extent even than ministers who reside near the courts of Christendom. Hence it may be held that these consuls possess all the fundamental rights that, in public law, grow out of the character of public ministers, namely, personal inviolability, exterritoriality, and those honorific rights that form a part of the diplomatic ceremonial. By virtue of these rights, consuls and their families, including all the members of their household, their suite, their dwellings, and their household furniture are considered as wholly outside of the territory of the State; they are not amenable, neither in civil nor in criminal actions, to the local authorities nor courts, whether such actions be brought against them by government or by private individuals.

From the same principles is derived the right of consuls to the freedom of worship, that is to say the right to have a chapel in their houses, and to admit all persons of their religion who may desire to attend divine service therein.

These prerogatives of consuls in the seaports and towns of the Levant are common to public ministers in general. But above and beyond all this consuls have both *civil* and *criminal jurisdiction* over their fellow-citizens who cannot, whatever may be the cause or motive, be taken before the local courts. If the treaties alone had to be consulted on this point, criminal jurisdiction would not belong to the consuls of every Christian power in the case of an offense committed by a foreigner against a Moslem; nor would the consuls have civil jurisdiction in suits between foreigners and natives. But constant practice and ancient usage removes all doubt in this respect and has had the effect of quietly establishing the maxim that the native plaintiff shall apply to the forum of the defendant, which, in the case of a foreigner, is his consul, for the hearing of his claim.*

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* This title was at first given to the ambassador of Vienna at Constantinople, whose name was *Bailo*, which the Turks corrupted into *Balio*, adding to it the title of bey. It is now extended to all the European ambassadors accredited to the Sublime Porte.

* Or to the mixed tribunals of commerce. In all civil suits the native plaintiff would apply to the same civil court, and the foreigner would be cited to appear, through his consul; and the consul would be requested by the court to send the foreigner, accompanied by the consular interpreter.

In the exercise of criminal jurisdiction, the consuls of the United States, of Great Britain, and of France have, throughout the Levant, power to try and judge criminal cases. The powers of the consuls of the two first-named countries in all criminal affairs are very extended. Those of the consuls of France to try and judge are limited to minor offenses and misdemeanors; in all heinous offenses the consul makes the preliminary *instruction* and sends the accused, together with the written evidence, to the court at Aix.

In the exercise of civil jurisdiction they have all the powers and attributes of justices of the peace, of tribunals of first instance, and of tribunals of commerce. They are authorized to try and decide suits, involving no matter what sum or no matter what kind of controversy, save possibly the matter of divorce.*

The same may also be said of the Austrian and Italian consuls. And other nations give even greater latitude of jurisdiction to the consulates-general, for the sentences pronounced in the first instance by the consul are brought up in appeal before the consul-general, sitting with four or more assessors or associates, who form the appeal court.

Finally, the consuls of Christendom residing in the Levant have, beside the powers and duties of police magistrates, a very extended voluntary jurisdiction, whether in the matter of the tutelage of minors, family counsel and advice, authorization to married women, adoptions, or the charge of estates and goods of those dying intestate within their district. They keep the records of marriages, births and deaths; grant attestations of life; authenticate documents issued by the local authorities; perform all the functions of notaries public for the authentication of deeds and instruments of both a public and private nature; they prove last wills and testaments; have almost unlimited powers and duties in all questions regarding the masters and crews of the mercantile marine; and grant, issue, or at least visa, all passports.

From this short enumeration of the powers and duties of consuls in non-Christian countries, the importance and responsibility of their trust becomes clearly apparent. The office they hold comprises within itself as many different attributes and functions as are in Christendom exercised by as many distinct departments, constituted each on a large scale. In reality the prerogatives of Levant consuls, if thoroughly examined, will be found to embrace, beside the attributes of diplomatic ministers, those of notaries for private deeds and instruments, of chiefs of police, of mayors in civil matters, of commercial tribunals, of criminal courts, of justices of peace, and, in general, of all those powers and duties which appertain to the preservation of law and order, of peace, tranquillity, and security in the community or colony of which they are at once the judicial and administrative head. So that a consulate in the Levant is indeed the seat of government, on a small scale, for all those who are subject to the flag of the nation which established it, and the consul himself is at the head of this complex institution.

It is indeed difficult to understand how such an extraordinary combination of powers and duties can be all united in one and the same person. And in places where some of the European colonies have reached a considerable size it becomes exceedingly difficult, not to say impossi-

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* Even in Egypt, where mixed tribunals of a very unusual type have been introduced, consuls still have criminal jurisdiction over their fellow-citizens, except in cases where the offense is committed against the magistrates or officers of the reform tribunals during the performance of their duties as such; and they still possess exclusive jurisdiction over all suits, alike civil, commercial, and criminal, where both parties are of their own nationality.]

ble, for a single individual, though endowed with unusual energy and ability, to attend thoroughly to the many and weighty matters connected with such varied charges.

England has established consular courts, under the presidence of consular judges, as a distinct branch of the service in the Levant. The French Government follows a system whereby its consular service in the East is composed of consuls-general (for diplomatic or so-called political work) of consuls, vice-consuls, chancellors, pupil-consuls, and a sufficient corps of interpreters and clerks for judicial matters and other consular business. Germany, Italy, Austria, and most of the other powers have nearly the same system.

Of all consular institutions in non-Christian countries, those kept up by the United States are probably the worst organized and most undermanned, for a consul or a consul-general (as the case may be) assisted by one paid interpreter, and one salaried clerk (and not always even a clerk or an allowance for one) constitute the whole *personnel* that has to perform the multifarious official, semi-official, and extra-official labors as well as quasi diplomatic, judicial, and consular functions that are required of him, not only by the law and statutes, but that devolve upon him by custom and are naturally and unavoidably expected of him by his fellow-citizens in countries where the foreigner must have recourse to his consular authority in every matter, however remotely connected it may be with the government or people of the country in which he resides.

Perhaps it is owing to the hitherto limited interest in foreign trade that the United States have not sufficiently appreciated the importance of consulates in non-Christian countries and the need of revising the statutory provisions in this respect.

Having thus determined the judicial status of the consuls of Christendom in the East, as viewed from the standpoint of public international law, we can pass over to the task of defining or determining the legal position or status of Europeans and Americans residing in the Levant who are not clothed with a public character.

If to this end we should wish to have recourse to the principles of the *jus internationale* of Christendom, we would have to arrive at the following results: That foreigners dwelling within an independent State enjoy the protection of its laws, but are at the same time subject to these laws in so far as they relate to penal matters and affairs of police; are furthermore subject, in many of the dealings of private life, to the civil laws also; and are under the jurisdiction of the tribunals of such State.* For which reasons it is held in public law that under certain aspects and in a certain sense foreigners are considered as subjects of the State in whose territory they are. (*Subdite secundum quid.*)

Nothing of the kind, however, obtains as to foreigners residing in the the Ottoman Empire; in no sense and under no aspect can they be considered as *subditi secundum quid*, for they are subject to none of the civil or criminal laws of the State, and are wholly beyond the jurisdiction of the local courts.

How then is their juridical position to be defined under the terms of of the science of international law? Can there be formulated, by the light of the law of nations, a general and scientific principle that will serve as a criterion and starting point for solving the various disputes that must needs come up over the conflict between the territorial laws of the Ottoman dominions where foreigners reside and the laws of their own countries?

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* Wheaton: Part II, Chap. ii.

If such a scientific definition can be found, a sure basis will have been got from which to unfold the rules of private international law that are to be invoked in countries subject to the Ottoman Porte, whether as to controversies that may arise between foreigners and Ottoman subjects, or between foreigners of different nationalities amongst one another.

Such a definition may be had; and what has been already said paves, in a great measure, the way towards formulating it.

In public international law there is a fiction by virtue of which such and such a one is considered as having never quitted his own country, although he may have transferred his residence elsewhere and established his domicile in another State. This fiction of law is called *extraterritoriality;** and public law applies it to diplomatic agents accredited at foreign courts.

The Romans admitted to a certain extent such a fiction of law and qualified it by the expression *jus domum revocandi;* they held that the legates or deputies of the provinces who betook themselves to Rome should have the right to decline the competence of the tribunals of that city, and get themselves tried by the tribunals of their own country, both in matters civil and criminal.†

Now it is this fiction of law which is to be applied to foreigners of Christendom residing in Turkey in their dealings with the government of the country, inasmuch as they enjoy all the privileges that are comprised in the term *extraterritoriality.* In order to be convinced of the truth of this statement one need only examine the position that is assigned to foreigners and fixed for them by the treaties stipulated with the Porte and by long-established usage, and compare the same with the prerogatives that go along with extraterritoriality, as it is understood and recognized by public international law.

The fiction of law called extraterritoriality consists, according to Grotius,‡ in this, that, in derogation of the general principle by which every one who dwells within the territory of another [state] is subject to the laws of the same, there are persons who are held to be as though outside of the territory and, as it were, not dwelling therein, although they remain in it, and hence that they are not under the laws of the people among which they live.

And this is true of foreigners from Christendom residing in Turkey. For, although dwelling there, they are nevertheless not subject or amenable to the laws of the land, and are governed by the laws of their home country, so that, viewed juridically, they can be deemed as being quite outside of Ottoman territory. They are entirely independent of the jurisdiction of the local courts, for they can only be brought before the consular authorities, or by and with the knowledge or co-operation of the consular authorities, whose powers, as has been seen above in the enumeration of their attributes, are in this respect immense throughout most non-Christian countries. These extensive prerogatives and attributes show how fully independent foreigners are of the local government and laws, for without such independence these powers could not be exercised over them by the consuls.

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* Wheaton: Part III, Chap. i, § 14.

† Hefter: Public International Law, § 205.

‡ Grotius, de Jure Belli, et pacis, lib 2, cap. 18, § 4. "Quare omnino ita censeo, placuisse gentibus, ut communis mos, qui quemvis in alieno territorio existentem, ejus loci territorio subjicit, exceptionem pateretur in legatis, ut qui sicut fictione quadam habentur pro personis mittentium, ita etiam fictione simili constituerentur quasi extra-territorium, unde et civili jure populi ad quem vivunt non tenentur." And in note 25: "Haberentur et considerarentur, quasi non habitarent nobiscum, neque in finibus nostri territorii essent."

But it is best to go into a summary enumeration of the prerogatives that are comprehended under the word extraterritoriality, in order to show that they are all accorded, either by treaty or by usage, to Europeans residing in Turkey.

1. One of the consequences of extraterritoriality is this, that those who enjoy this prerogative are not obliged to follow the laws of the land where they are as to the form of deeds and instruments relating to their persons and goods.* Neither are Europeans in Turkey bound to follow these laws; they may, as regards the form of deeds and instruments, comply completely with the laws of their own country.†

2. No action can be brought against a European before the courts of the country; the local authorities can neither proceed to arrest his person nor to sequester his goods; nor may the officers of the law enter into his house; for it is considered outside of the territory, like that of an ambassador. These are so many privileges comprised within the term *extraterritoriality* and enjoyed by diplomatic agents.‡ In such cases the European can be prosecuted through the consular authorities alone, which possess the powers and attributes required in the premises, and are hence considered as being at once political and judicial authorities.§

3. A European resident in Turkey continues to belong to his own country and has his domicile there, for his domicile is considered to be that of the consul in authority over him; and it is the judge of this domicile who exercises full jurisdiction over him, and through whom his estate or his heritage is administered. All this is also true of public ministers residing abroad.‖

4. The same as with ambassadors,¶ it is only the real property of the European situate in Turkey that is subject to the laws of the land. Hence we see that in the matter of real-estate taxes, Europeans are to pay them the same as Ottoman subjects. But even here there is, by usage, an exception in favor of the European; for throughout Egypt,

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*Fœlix: Droit International, liv. 2, lib. 2, § 240.

†In the capitulations of the Ottoman Porte with France of 1740, in article 23, the case is contemplated where a Frenchman goes before the local authorities for the execution of contracts. But nowadays this does not happen save in matters of the purchase or sale of real property for which a *hodjah* or title-deed is needed. This deed of conveyance of immovable property is made out at the *Mahkamah* (law court) of the country.

‡Fœlix: Droit International, §. 214.

§ Even where a *civil complaint* is brought by an Ottoman subject against a European before the Madjlis Da'âwi, called also Madjlis Tamyiz-el-Hukkoûk, the summons for the European to appear before it is sent through and by the administrative or civil governor of the place to the consul, who is there in invited to send the defendant to the tribunal, *accompanied by* the consular dragoman, who sits as a member *ad hoc* of the tribunal, and signs, or refuses to sign (as he thinks justice requires him to do), the *mazbatah* or judgment in the case. [See especially the Vizirial decree of 22 Rabi First, 1292, April 29, 1875, concerning assistance of dragoman, given on page 98 of part 5, or appendix to Ottoman legislation, printed at Constantinople, office of Journal Thraki, 1878.] And where the affair is serious or important, the consul can himself insist on being present and taking part at the trial. Moreover the execution of the sentence, if it be rendered against the foreigner, belongs to the consular authority.

According to the French capitulation of 1740, article 65, in case of an offense committed by a Frenchman against an Ottoman subject, the authorities of the country could take cognizance thereof and try him; but usage, and the provisions of the capitulation with the United States and others has completely done away with this method, and nowadays both the prosecution and the sentence must issue from the French authorities. In correctional matters the consul is competent; for more heinous offenses the consul, like a police magistrate, or "*juge d'instruction*," takes down all the evidence and sends both the accused and the papers of the case to the court at Aix for judgment.

‖Wheaton: Part III, chap. i, § 14; and Fœlix: Droit International, § 214.

¶Fœlix: *op. cit.*, § 216.

at least, if not also in some other parts of the empire, they pay no tax at all upon their houses or city property, but only that upon agricultural lands.*

5. Even as the European is exempt from the civil jurisdiction and laws, local or territorial, of the Ottoman Empire, he is likewise exempt from all penal and criminal laws and jurisdiction. Although the greater part of the capitulations of the Sublime Porte with European powers uphold the subjection of the European to the local, penal, and criminal laws and jurisdiction in cases of offenses committed against an Ottoman subject, still it has been hitherto settled by usage, and also clearly determined by some of the capitulations, that no European can be arraigned, prosecuted, tried, or judged, and not even arrested (except in *flagrante delicto*, and then, too, the offender is to be, without delay, handed over to his respective consular authority) by the law officers of the land. When an offense is committed by a European, not only against another European, but also against an Ottoman subject, the offender is to be tried and punished by the laws of his own country.†

These exemptions are identical with those enjoyed by a public minister in virtue of the principle of extraterritoriality.‡

6. Lastly, the European, although not amenable to the jurisdiction of the local courts, is nevertheless bound to observe the police regulations in force throughout the country calculated for the maintenance of order and public security. But if he does render himself guilty of transgressing them, it is his consul who shall punish him accordingly. A public minister, too, is bound to respect such police regulations, even though he is exempt from any possible repression at the hands of the local authorities.§

As a consequence, and, at the same time, as a confirmation of what has been thus far set forth, it may be remarked that the following rules which apply to Europeans residing in Turkey apply as well to ambassadors, and are valid as towards both the former and the latter:‖

1. That, although they are not subject to the tribunals of the land, still they cannot decline the jurisdiction of the same, after having once had recourse thereto as plaintiffs, if the opposite party, being condemned in the first instance, appeals to the higher court, and intimates such appeal to the European.

2. The same is to be said when an action has been brought by a European before a local court and the defendant, as an offset thereto, raises a counter claim against the plaintiff before the same court.

3. The same, it would seem, ought to be said when a European, in a

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*This has been the usage in Egypt for many years. The arguments put forward in its favor are that Europeans are bound to pay no arbitrary tax whatever; and so long as there is no decree or law regularly promulgated by the government (and acquiesced in by the foreign consular authorities) which clearly defines what the taxes to be collected shall be, the European holding city property regards all attempts to collect taxes as being arbitrary exactions by the officials, and hence not obligatory. It is a principle of Moslem law, not always observed nowadays by Moslem governments, that the Moslem citizen shall pay no tax upon the house he dwells in, but only on *his land and leased houses*.

†See Egyptian *Règlement Général concernant la Police des étrangers* of 20 Rabi First 1274=8 November, 1857, paragraph 4 of preamble, and arts. 47 to 55. Article 52 reads thus:

"The trial and punishment of crimes and offenses imputed to a foreigner * * * shall, at the request of the police director, be pursued before the consular court."

‡De Martens: "Guide diplomatique," chap. 5, § 23.

§ *Ibid*, chap. 5, § 30.

‖Fœlix: Droit International, § 217.

suit brought before the local court, is the loser and is condemned to pay the costs of the same. In such a case it would seem that, like ambassadors, he could not decline the jurisdiction of the tribunal that rendered the judgment and before which the action for costs should be brought. Still it is held by some that in Turkey the privilege is even more extended; and that, besides that, the demand for costs ought always to be notified through the consulate to which the foreigner belongs. The collection of the costs themselves cannot be executory without a new decree from the consulate, which alone can proceed to enforce the order for collection.

Before terminating this exposition of the rules concerning the relations of Europeans with the Ottoman authorities, which, it is believed, are clearly enunciated by saying that they are all comprised in the word extraterritoriality, it is not out of place to observe that if Europeans enjoy such privilege in Turkey, this comes to pass for reasons very different from those on account of which ambassadors enjoy it. The latter have this privilege, not so much out of regard for the sovereign they represent, and who is, through and by them, considered as resident in the country whereto they are accredited, but rather in order to be able to exercise their functions with freedom and independence.* On the contrary, Europeans residing in Turkey enjoy the privilege of extraterritoriality, not so much out of respect for the usages and privileges that the Venetians, Genoese, and other European people of yore enjoyed in the Levant,† but rathermore because the state of civilization of Moslem countries is an obstacle in the way of the security of Europeans, and does not furnish sufficient guaranties for guarding and protecting their rights, notwithstanding the best intentions of the rulers. The absence, moreover, of a well-ordered legislation, the great difficulty of acquiring a knowledge of that which exists, the lack of regularly constituted tribunals in which are to be found full guaranties for a good administration of justice, and, lastly, the lack of the sense of justice and respect for the rights of others which is such a prominent characteristic of all Eastern people, render it as yet impossible to apply, in the Levant, the principle of territorial laws towards strangers. It is owing to all these circumstances combined, and in the interests of commerce, that the governments of Christendom have, in their treaties with the Ottoman Porte, secured the independence of their subjects from the local authorities and laws. It is in view of the same considerations that the consuls residing in these regions have obtained that the privileges granted by the treaties should receive a still greater extension, which has now become sanctioned by long-standing and undenounced usage.‡

The difference in the reasons or causes that have originated the right of extraterritoriality of diplomatic representatives from those that have caused it to be established for Europeans residing in Turkey might give rise, in the minds of some, to doubts as to whether there might not also be a difference in the nature and importance of the privilege accorded to the former and to the latter. This is, however, not true; for, although the reasons are different, nevertheless the aim and object is the same in both cases, namely, to afford full security to him who enjoys it. On the other hand, if extraterritoriality signifies in the juridical sense *that fiction of law whereby one is held to be outside of the territory in which he resides so far as relates to the civil and criminal laws of the same*, such a fiction could not apply better than to Europeans residing in Turkey, who

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* De Martens: Droit de Gens, § 215, and note thereto, in the edition of 1858.
† Borel: chap. 3, page 20.
‡ Féraud-Giraud: De la jurisdiction Française dans les Échelles, passim.

neither have, nor can have, any tie or relationship of dependence with the laws and government of the land; and this, too, in a more unlimited manner even than diplomatic agents.

In no other way can the position of a European residing in the Levant, in his relations towards the government of the country, be qualified than by recourse to the fiction of extraterritoriality in the widest sense that can be juridically attributed to the term. Having once firmly laid down this principle, we have a fixed point of departure for solving all other doubts and difficulties, which we shall now proceed to do.

The attempt might, perhaps, be made to explain the position thus occupied by Europeans by having recourse to the system of *leges personales* that existed in the Middle Ages throughout Europe, and especially in Italy, under which each one lived under the law of the nation of his origin, although he was subject to the rules of the land wherein he was domiciled side by side with other people who lived under other and different laws.* That system lasted until the statutes of the cities had become territorial, and shut out all possibility of personal laws. In support of this might be added the respect that the Turks have always shown, in countries conquered by them, for the laws of the vanquished; by reason whereof, we see that the non-Moslems, such as Greeks, Armenians, Copts, and Israelites, are left to a great extent under the civil or politico-religious jurisdiction of their spiritual chiefs.†

But all doubt on this subject disappears when one reflects that the system of personal laws presupposed subjection to the supreme ruler of the territory, and, moreover, did not exclude there being laws of a generally binding character, or in other words, territorial laws.‡ On the contrary, for Europeans residing in the Levant, there is no relationship or tie of subjection towards the sovereign of the territory, and no law emanating from the latter can in any way bind the former.

Even the laws relating to customs or duties that are published in Turkey have in reality no obligatory force for Europeans. If the latter pay custom-house duties on the same footing as Ottoman subjects, this is done by reason of the treaties which determine and fix the exact rate or amount of duty on goods imported and exported.§

Nor can any alteration be made in these treaties by the sovereign of the land. Thus in the customs laws also is found a confirmation of the principle of the extraterritoriality of Europeans, whereas, in countries where this principle is not admitted as to foreigners, the duties of custom depend exclusively upon the home laws and do not as a rule form the object of treaties; each government being free to place a duty on all goods coming into or going out of its territory in the manner it deems best; and even when treaties are stipulated on this subject they do not so bind the contracting governments as that they cannot at will, and after observing the requirements and formalities of diplomatic comity, withdraw from them.

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* Savigny: Storia del diritto romano nel medio Evo. Cap. 3, § 34 *et seq.*

† Hatt Humayûn of 1856: "Special civil suits, such as those of inheritance, and others of this kind, between subjects belonging to the same Christian or non-Moslem rite, may, at their request, be sent before the councils of the patriarchs and communities."

It is to be regretted that the politico-ecclesiastical law of the non-Moslem communities of the Ottoman Empire is not contained in the valuable collection called "Legislation Ottomane." See, however, page 56 of part two (Droit Public Intérieur), Constantinople, 1874.

‡ Savigny, *op. cit.*, § 17.

§ As for inland duties no fixed rate has been established by the treaties; but they stipulate that the foreigner is to be treated on the same footing as the most favored class of subjects. (Art. III of the treaty of 1862 with the United States.) Hence, even for internal duties, it is the treaties that impose the obligation to pay, and not the principle of the territoriality of the law.

This could not be done by the Ottoman Government, which has absolutely, in the most unconditional manner, bound itself towards all the governments of Christendom not to increase the customs duties.*

Nor does the law granting to foreigners the right of holding real estate interfere with the immunities they enjoy, which are specified by the treaties, and which continue to protect the person and the movable property even of those foreigners who become owners of real estate. It places them upon terms of equality with the territorial subject only in such things as concern their landed property. And here, too, the privilege of extraterritoriality enjoyed by a public minister goes no further. His personal effects or the movables belonging to him, within the territory of the state where he resides, are exempt from the local jurisdiction; so also is his dwelling house, but any other real property or immovables of which he is possessed, within foreign territory, is subject to its laws and jurisdiction.† So also in the matter of taxation, the hotel in which the minister resides, in common with the other real property of the country, is subject to taxation, whether it belongs to him or to his government.‡ If the payment of the tax on the residence or other real estate of a diplomatic agent does not interfere with his privilege of extraterritoriality, in like manner the obligation of the foreigner residing in Turkey, to pay the same on his real property, as laid down and defined by the law and protocol on the subject, in no manner curtails his independence of the territorial laws in all matters respecting his personal status and movable goods.

The position therefore that necessity, the treaties, and a constant practice have created for Europeans residing in Turkey is that of extraterritoriality. Unlike the international public law of Christendom, in which this privilege is an exception established in behalf of a determinate class of individuals, in Ottoman public international law, extraterritoriality constitutes the rule towards Europeans. Herein is seen the immense difference between these two public international laws and how they are founded upon principles essentially different. The one draws the conclusion, from the principle of the independence and autonomy of the state, that foreigners are to be in some respects subjects of the state to which they betake themselves; the other admits that, notwithstanding this principle of independence and autonomy, foreigners can remain independent of the laws of the state, although dwelling within its territory.

From this principle of the extraterritoriality of Europeans in Turkey must necessarily be deduced all the legal relations of Europeans, whether between themselves or with the natives. For it is under this double aspect that the conflict of private laws can manifest itself, that is to say, when the suit is between Europeans belonging to different nationalities, and they come before a consular tribunal, it must be decided first of all which is the law that ought to be applied, whether that of the one or that of the other of the two contending parties, and when the question is between a European and a native and is pending either before the consular or before the local court, it ought also to be known, first of all, whether the law of the land or whether that of the nation to which the European belongs merits application.

For it is not to be believed that the maxim, which it has been but too often the fashion to invoke in Levant consulates, can be established as a general axiom—to wit, that *each judge is to apply in cases of collision the*

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* See particularly Art. V of treaty of 1862.
† Wheaton, part III, chap. I, § 17.
‡ Wheaton, as above. § 18.

laws of his own country—and from which it follows that all controversies that are brought before a consular tribunal must be solved within the terms of those laws that have force with it. This maxim is true when it is a matter of the *ordinatoria litis*, that is to say a question as to the laws of procedure which point out the mode in which one's own rights are to be upheld and made valid before the court;* and even in the application of this maxim not a few difficulties arise when the question becomes one of determining with precision what relations are comprehended under the name of laws of procedure. But when the matter turns upon a question of the *decisoria litis*, that is to say, when it has to deal with the substance of juridical relations, this maxim is most false, and could not be invoked as a criterion for deciding the various cases of collision or conflict of laws. Indeed whenever a tribunal has to try a controversy between one of its own nationality and a stranger, then that law ought to be applied under the influence of which came into being that relationship of law and right which forms the subject of the controversy in hand; its own laws cannot in such a case be so applied by it. Otherwise one would be brought to the greatest absurdities, and all idea would be destroyed of a private international law, which is based on the very presupposition that foreign laws ought often to be applied by the judge. Let us suppose the case of an estate of a deceased person in a state. The subject of another state, believing himself to be the heir, makes himself master thereof and enjoys it. The true heir, who belongs to a third state, wishes to reclaim it. He is of necessity constrained to apply to the forum of the defendant, and hence he must, if the latter dwells in the Levant, betake himself to the consular court having authority over him. In such hypotheses there are three laws in conflict—that of the place where the estate is, that of the plaintiff, and that of the defendant. According to the above mentioned maxim the law of the defendant should be followed for deciding who is the true heir to this estate. Now a greater absurdity cannot be imagined, for all publicists hold that it is the law of the place where the estate is situate which ought to be invoked; and hence the consular tribunal to which recourse is had by the real heir should apply it, though it be not its law. Many other similar cases could be cited in support of this view. But this can be dispensed with by referring to the learned refutation of this maxim contained in Schreffer's work on private international law, Chap. 1, § 24.

For deciding what law is the one to be invoked in suits brought before consuls in the Levant or before the local courts and lying between parties of different nationality, when once the principle of the extraterritoriality of Europeans residing in Turkey is taken as a starting point, it can be laid down as a fundamental canon and as one which permits of recurrence to the dictate of the science of international law, inasmuch as it brings the rules concerning the judicial condition of foreigners in Turkey within the sphere of this science by placing their condition on an equality with a position that is already admitted and recognized in European international law, it can be laid down as a fundemental canon, namely:

That all Europeans residing in Turkey ought to be considered in the relations of private international law as outside of Ottoman territory, and as still domiciled in the territory of their fatherland. Hence where there shall be a conflict of private laws between Europeans those rules should be followed that are by common international law established for cases in which individuals, between whom the suit lies, belong to different states,

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**Rocco: Diritto Civile Internationale.* Part 3, Cap. 12.

and each has his domicile in the territory of his own country. And when the conflict of private laws shall arise upon the relation of law and right between Europeans and natives, whatever be the tribunal before which they may be found, recurrence ought likewise to be had to the principles of the same common international law which are applicable to the case of two foreigners that have their domicile in their respective fatherlands.

If this canon be admitted as an undoubted principle of the public international law existing between the nations of Christendom and the Porte, there can be deduced from it the following rules of private international law which elevate it to the rank of a theory of private Ottoman international law.

In enunciating these rules I shall follow the divisions of European public international law as adopted by this science, and which correspond with all the relations of law and right that foreigners can have in the state in which they reside.

Laws exercise their influence over mankind under three aspects—as to their persons, as to their goods, and as to their acts.

Which laws shall it be that shall govern Europeans residing in Turkey under these three relations or aspects?

The laws concerning persons are those that determine the *status* or judicial character; whereas Europeans are considered as outside the Ottoman Empire; so, too, will their judicial character depend exclusively upon the laws of their fatherland. And this general principle is admitted also by European international law, but with restrictions as to the judicial character of special acts. It can, however, receive no restrictions in Ottoman countries, and must be held to be absolute and unlimited.

The laws concerning things have regard either to movable or immovable goods. As to movable goods, which are considered as an accessory of the person, they ought of necessity to follow the laws of the latter, and can hence never come under the laws of the Ottoman Empire. As for immovable goods, however, one must proceed with discrimination, because, when the laws that concern them have no connection with the personal capacity or status of the owner, then the law to be applied ought to be that of the territory wherein they are situate, and therefore the Ottoman law. In every other respect or connection, that is to say, when the laws that concern them take into consideration the personality of the owner, then the laws to be applied should be those of his nation. Therefore, as regards things also, there exists most important differences between European international law and that applicable within Ottoman states.

As to the deeds or acts of a man, the laws contemplate those that are lawful and those that are unlawful. With respect to this class of laws, the differences between European law and that which is in force throughout the Ottoman Empire are still graver. As for the outward form of lawful deeds or acts—such would be contracts, wills, &c.—the general rule of European jurisprudence is that it depends entirely upon the law of the country in which they are brought into being, and upon that law also depends most often their very substance or internal solemnity. Likewise, unlawful deeds or acts are under the law of the place where they have been committed. On the contrary, it is the opposite rule that ought to prevail in Ottoman countries on account of the principle of extraterritoriality, by virtue whereof all lawful deeds or acts, whether as to their outward or their inward form, depend upon the personal laws of those that bring them into being; and likewise, unlawful deeds or acts never do depend upon the territorial laws of the place where they have been committed. So that the maxim, *locus regit actum*, may be said

not to exist at all in Ottoman countries as regards foreigners residing therein.

Finally, as to procedure, the maxim that the plaintiff shall seek the forum of the defendant—*actor sequitur forum rei*—ought to be observed rigorously and without any possible exception.

These are the fundamental rules of Ottoman private international law, from which can be readily deduced all the principles that are to be invoked in cases of conflict of laws within the Turkish Empire. They at least suffice to show that a theory of Ottoman private international law also can be established, when account is taken of the data furnished by public external law and when the dictates of the science of law in general are followed.

In the foregoing pages, which treat of Ottoman private international law, the views of Dr. Gatteschi, as set forth in the learned introduction to his manual of public and private Ottoman law, have been closely followed by the writer of this report, who has done no more than strive to render them faithfully into the English language.

That learned doctor in those pages brings his great erudition and admirable clearness and grace of diction, together with his strong powers of close reasoning, to bear wholly in favor of the extraterritorial privileges of foreigners within the Ottoman Empire, thus giving one side only of the question, but so eloquently pleaded as to lead the ordinary thinker on these subjects to conclude, erroneously, that the doctrine of the extraterritoriality of foreigners, in its applicability to their dealings and relations both with the governments and with the people of Ottoman lands, knows no limits, but is capable of extension in its extremest consequences over every class of controversy or suit, and of hence influencing the legal validity or effect of all transactions, not only as to their form, but also as to their substance; and whereas the chief aim and merit of this report ought to be to furnish that which is of practical utility and undoubted correctness for the enlightenment of consuls of the United States in the Levant, in the exercise of their complex and responsible functions of judge-consuls, it behooves the present writer (although thereby exposing himself to the reproach of lengthiness) to go on and put the reader in possession of material whereby he will be enabled to judge for himself how far, and only how far, this principle or doctrine of extraterritoriality, as applied to foreigners residing in Turkey, will hold good or has been sustained, when examined and tested authoritatively by courts of law. Nor can this object be better accomplished than by taking specially important or test cases, in which the decision has turned more or less on the interpretation of the treaty or capitulation rights of foreigners in the Ottoman Empire.

In the choice of cases that I have made to this end, three have been taken from suits tried in the mixed tribunals of reform in Egypt, and one from those in the British consular court at Alexandria. For the sake of brevity, these four causes can be called, respectively, the Carpi case, the Sursock case, the Adib case, and the Aitken case.

As, however, it is to be supposed that outside of Egypt few persons are acquainted with the history and condition of the mixed tribunals of reform, it will be necessary to set before the reader, but very briefly, the main features of these comparatively new and tentative judicial institutions, in order that he may be able to follow the arguments in the cases that have been chosen. I do not propose to enter here into a full history of the causes or negotiations that led to their final formation.

These courts are called mixed tribunals or courts of mixed jurisdiction, because they have been instituted in order to try and decide in

mixed suits—that is to say, broadly, in suits where the defendant is not of the same nationality as the plaintiff—in other words, where the suit lies between a foreigner and a local subject, or between two foreigners not of the same nationality. Suits between natives do not come within the competence of these, but within that of the native tribunals, and suits between foreigners of the same nationality are still within the competence of the consular courts.

They can take cognizance, speaking broadly, of mixed suits that are either civil or commercial in their nature. Criminal prosecutions against native offenders belong to the native local courts; and those against foreigners accused of offenses or crimes still remain within the competence of the respective consular authority.

They have jurisdiction over a certain kind of offense or crime, namely, those committed against any of their magistrates or officers when exercising the functions and duties of office, such as contempt of court or forcible opposition to the executions of their decisions.

Cases affecting the rights of persons, such as inheritance, marriage, divorce, alimony, tutelage of minors, and the like, known as questions belonging to the *status personalis* of the parties, are likewise beyond the competence of the mixed tribunals in Egypt.

They also take cognizance of all actions concerning real estate (*toutes les actions réeles immobiliéres*) between all persons, even when appertaining to the same nationality. By all actions concerning real estate one is to understand actions as to titles and liens on real property; and, further, the words "between all persons, even when appertaining to the same nationality," have been held, by the Alexandria court of appeals, to mean between all persons, even when appertaining to the same *foreign* nationality, and not to apply to actions concerning titles and liens on real estate when both parties are *natives*. This distinction and interpretation is important. These courts were instituted in 1874, but did not actually commence to functionate till between the latter part of the year 1875 and the beginning of 1876. They are composed of judges of various nationalities—Egyptian, English, French, Italian, Austrian, German, Greek, Dutch, and Belgian subjects, as well as citizens of the United States, sit on their benches. Every judgment must be rendered by *at least* five judges, of whom three are foreigners and two natives.

Long and weary negotiations between the various powers of Christendom on the one side, and the Ottoman Porte and the Egyptian Government on the other part, preceded their final adoption, for they superseded to a very great extent the consular courts, and somewhat modified the application of the principle of extraterritoriality of foreigners as established by usage and the capitulations. Most of the powers entered in this respect into special conventions with the Egyptian Government, which define clearly the nature and extent of the jurisdiction conferred on the mixed tribunals in Egypt. The United States did not enter into any such convention; an act of Congress was passed which authorized the President to accept, for citizens of the United States, the jurisdiction of certain tribunals in Turkey and Egypt whenever he should, in his judgment, consider that such tribunals did afford them the same impartial justice they enjoyed under the ministerial and consular courts established by virtue of the capitulations; and to suspend the operation of the act of Congress conferring judicial powers and functions on ministers and consuls of the United States within the Ottoman dominions. (President's proclamation of March 27, 1876.)

The law which these tribunals apply, in the exercise of their jurisdic-

tion, is the codes* that were presented by Egypt to the powers, and in the case of the silence, insufficiency, and obscurity of the law, the judges are to follow the principles of natural right and the rules of equity.

The institution and composition, the competence, the internal organization, and the mode of execution of the sentences of these tribunals, as well as their jurisdiction in matters civil, commercial, and penal, are all laid down in the so-called "*Réglement d'organisation judiciaire pour les Procès mixtes en Egypt*" of 1874, and it is to this weighty act that reference will be often made in the following pages.

I will here give also an English translation of those articles of the *Réglement d'organisation judiciaire* which are referred to in the cases that I have chosen, or which are essential to the reader's full comprehension of the subject.

Article 2, paragraph 4:

In commercial affairs the tribunal [of five judges] will associate with itself two merchants, one a native, and one a foreigner, having the right to vote, and chosen by election.

Article 5:

The appointment and choice of the judges shall belong to the Egyptian Government; but in order that it be itself satisfied as to the guarantees to be furnished by the persons it shall choose, it will apply, semi-officially [offiieusement], to the ministers of justice in foreign lands, and will engage no other persons than those furnished with the consent and authorization of their government.

Article 9:

These tribunals alone shall take cognizance of suits, in matters civil and commercial between natives and foreigners, and between foreigners of different nationality, barring such suits as belong to the *status personalis*. They shall also take cognizance of all actions [*in rem*] as to real estate, whether as to titles or liens thereon, between all persons, even when appertaining to the same [*foreign*] nationality.—(See above, page 68.)

Article 10:

The [Egyptian] Government, the administrations [*i. e.* departments, bureaus, and boards], the Daïrahs [estates] of His Highness the Khedive, and of the members of his family shall be amenable before these tribunals in suits with foreigners.

Article 11:

The tribunals, without having the power to decide in questions concerning the real property of the public domain, or to interpret or hinder the execution of an administration measure, shall have the power to try, in the cases that are provided for by the civil code, causes where an acquired right of a foreigner has been infringed upon by an act of administration.

Article 12:

The suits of foreigners against a pious [benevolent, religious] establishment, for claiming [*revendication*] real estate possessed by such establishment, are not to be submitted to these tribunals; but the same shall be competent for deciding in claims brought forward upon the question of legal possession, whosoever be the plaintiff or the defendant.

Article 13:

The sole fact of the granting a mortgage in favor of a foreigner on real estate, whosoever be the possessor, owner, and holder thereof, shall render these tribunals competent to decide as to the validity of the mortgage and as to the consequences thereof, even to the forced sale [foreclosure] of such real estate, as well as to the distribution of the price of the same.

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*These codes, which are taken for the most part from those of France, were elaborated expressly for the mixed tribunals in Egypt.

Article 16:

The judicial languages used before the tribunals for pleading and for the drawing up of deeds, instruments, and judgments shall be the language of the land [Arabic], Italian, and French. *

Article 18:

The execution of judgments shall be effected without any administrative action, whether consular or other than consular, and upon the order of the tribunal. It shall be carried out by the ushers [*i. e.* sheriff's constables] of the tribunal, with the help of the local authorities, if this help becomes necessary, but always without any administrative interference.

Still, the officer of justice intrusted by the tribunal with the execution of the judgment, is bound to notify the consulates of the day and hour of the execution, and this on pain of nullity and of damages as against himself. The consul thus notified has the right to proceed with the execution,† but in case of his absence the same shall be notwithstanding proceeded with.

Concerning the immovability of the magistrates, their promotion, discipline, &c., the *Réglement d'Organisation Judiciaire* says:

ART. 19. The magistrates who compose the court of appeals and tribunals (of first instance) shall be immovable. This immovableness shall not subsist save during the five year period. It shall not be finally admitted until after the trial period. ‡

Article 20:

The promotion of the magistrates and their transfer from one tribunal to another shall not take place save with their consent and upon the vote of the court of appeals, which shall take the opinion of the tribunals interested.

Article 21:

The functions of the magistrates, recording clerks, clerks of the recording clerks, interpreters, and sheriffs, shall be incompatible with every other salaried function or functions and with the profession of merchant.

Article 22:

The magistrates shall not be the recipients, from the Egyptian administration, of honorific or material distinctions.

Article 23:

All judges of the same category shall receive the same compensation. The acceptance of a remuneration other than this compensation, of an increase of compensation, of gifts of value or of other material advantages, carries with it for the judge the cessation of employment and of salary, without any right to an indemnity.

Article 24 concerns discipline.

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* These languages necessitate the employment of a large force of interpreters and clerks.

†As a matter of fact this right is but seldom exercised by the consuls, which shows that the mixed tribunals command the respect and confidence of those whose duty it is to watch over the rights of foreigners.

‡ See, however, the fifth protocol, evening session, January 11, 1881, of the international judiciary commission which met at Cairo, pages 11 to 17 thereof, wherein that body proposed that article 19 be altered so as to read thus:

"ART. 19. The choice and appointment to office of the councillors (of the appeal court) and judges (of tribunals of the first instance) shall appertain to the Egyptian Government. The government, in order to be itself assured of the guarantees that the magistrates shall afford, shall semi-officially apply to the ministers of justice abroad, and shall engage only such persons as are furnished with the acquiescence of their government.

"ART. 20. The foreign magistrates called to form a part of the court and tribunals must be chosen from among the magistrates belonging to or having belonged to the magistracy, or from among lawyers practicing law in their own country; they must know, at least, one of the three judiciary languages. The councilors (of the appeal court) and judges (of tribunals of first instance) in function at the expiration of the first period, both foreigners and natives, who shall have resigned, shall be retained in office, and shall be immovable."

(See the remarks of the Austrian delegate, Baron de Schaeffer, and those of the American delegate, E. E. Farman, esq., on pp. 11 to 17, loc. cit. *ut supra*.)

Article 25:

Every complaint presented to the government by a member of the consular body against the judges for matters disciplinary must be referred to the court [of appeals], which shall be bound to try the affair.

Article 26 says:

A "Parquet" shall be instituted, at the head of which shall be a procur general [attorney for the state]. * * *

Article 34:

The new tribunals, in the exercise of their jurisdiction in matters civil and commercial, and within the bounds of that jurisdiction that has been allowed to them in matters penal, shall apply the codes presented by Egypt to the powers, and in case of the silence, the insufficiency, and the obscurity of the law, the judges shall follow the principles of natural right and the rules of equity.

Article 36 says:

The government shall likewise publish the laws that relate to the *status personalis* of natives. * * *

Article 40:

The new laws of the new judiciary organization shall have no retroactive effect.

In matters penal the competence of these tribunals is, broadly, as follows:

Prosecutions for simple police transgressions, and, moreover, accusations brought against the authors and accomplices of crimes and offenses committed directly against the magistrates, jurors, and officers of the tribunal or court during the exercise or on the occasion of the exercise of their functions, shall be submitted to the jurisdiction of the Egyptian (mixed) tribunals. * * * The consul of the accused shall be without delay notified of every prosecution for crime or offense begun against a subject of his nationality.

Finally, these tribunals having been instituted on an entirely novel system for rendering justice in mixed cases, they were adopted, as a trial or experiment, for five years, the so-called quinquennial period; and this period has been, by and with the consent of the powers interested, prolonged for still another year, namely, up to February, 1882. They will, in all likelihood, be again continued until February, 1883, and so on, from year to year, as long as they work satisfactorily.

To return, then, after these explanations, to the four decisions or cases already indicated above:

1. *CARPI CASE.*

The facts in this suit are sufficiently given in the decision itself of the Alexandria appeal court, so that they need not be recounted by me. It is, however, necessary to explain that the Daïrah Saniah, as constituted at the time of the rendering of this decision, was that bureau or board which controlled and administered for the Khedive of Egypt a large estate belonging to him, consisting of about 530,000 acres of land, with certain sugar factories thereon.

CARPI versus DAÏRAH SANIAH.

Decision of the court of appeals of the mixed tribunals in Egypt.

[Translated from the original Italian.]

SUMMARY.

According to the laws that are applicable by the courts of mixed jurisdiction in Egypt, the government cannot, neither by means of legis-

lative measures, nor by means of administrative measures, prejudice rights of a private nature, and least of all the consequences that flow from the creation and acceptation of commercial effects (instruments).

The COURT—

Has found as a matter of fact, that Cesar Carpi, Italian subject, did cite before the tribunal of first instance in Alexandria, the same sitting as a tribunal of commerce, the Khedival D arah Saniah in the person of its director, his excellency Mazlûm Pasha, domiciled in this city, first, in order to be condemned to the payment of the sum of £549 and 15 shillings sterling, the amount of two letters of exchange drawn to the order of said Carpi, by the Daïrah, upon the Egyptian ministry of finance, and by the latter accepted, and protested on the 11th day of April for default of payment; second, in order to hear granted unto the plaintiff a preservatory sequester upon all the goods of the debtor, which sequester was refused by the judge on duty,* by an order dated the 12th of April last past:

Has found, that the tribunal aforesaid, upholding the order of the 12th of April just referred to, rejected all the other heads of the plaintiff's suit and condemned him in the costs, accepting the objection of incompetence that had been put forward by the Daïrah defendant upon the plea that it, the Daïrah, did not exercise commerce, and therefore could not be cited by the tribunal of commerce for the payment of a bill of exchange, which bill the law now in force does not stamp with the character of a commercial act, unless it be subscribed by a person exercising commerce:

Has found that, upon the appeal interposed by the plaintiff, Carpi, and intended to follow up his suit for the condemnation of the Daïrah Saniah to the payment of the above-mentioned sum and for the preservatory sequester refused to him by the judge on duty by an order confirmed by the tribunal, the Daïrah again puts forward the objection of incompetence accepted by the judges of first instance, and puts forward again, in support thereof, the further objection of the decree of April 6, 1876, issued upon the decision of the council of ministers by His Highness the Khedive, which decree having prorogued for 3 months the falling due of the *bonds* and *assignations* which fell due in the months of April and May, 1876, had suspended at the same time the obligation, both of the drawer as well as of the acceptor of the letters of exchange in question, to satisfy them before the time of the prorogued falling due.

Considering in point of law, as to the objection of incompetence, accepted by the judges of first instance, that there is no doubt, as a maxim, that the laws of procedure and of competence are applicable also to suits arising out of and founded upon obligations anterior to the date of publication of such laws; because, independently of the jurisprudence of the tribunals and of the concurrent opinion of the most trustworthy jurisconsults, whose authority it is, however, superfluous to invoke, this maxim is clearly and distinctly set forth by article 2* of the new Egyptian civil code, which proclaims it without reserve at the same time that it, on the other hand, proclaims the non-retroactivity of such laws as stand outside of the limits fixed by the rules of competence and procedure;

Considering, however, that the value of the objection depends ex-

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* *i. e.*, in chambers.

* Article 2 says: "These laws shall have no retroactive effect. The laws of procedure and of competence, however, shall be applicable to the settlement of contests growing out of obligations incurred prior to the date hereabove" (namely, one month after the installment of the new tribunal, as laid down in article 1).

clusively upon the solution of the question whether the definition of an act as an act of commerce belongs really to the sphere of the laws of competence or procedure; because, in case that it does, the competence of the *civil* tribunals would be warranted to take cognizance of suits relating to acts to which the new laws deny a commercial character, and in case it does not, the competence of the *commercial* tribunals would then be warranted to take such cognizance, inasmuch as the anterior laws, under the sway of which the letters of exchange were subscribed, considered the same to be commercial acts without regard to the persons that might have signed them;

Considering, further, that the new laws, in reproducing, in article 1 of the Egyptian code of commerce, the rule, already sanctioned by the Ottoman code of commerce, that tribunals of commerce shall take cognizance, 1st, of suits relating to contracts and transactions between merchants, dealers, and bankers; 2d, of suits relative to acts of commerce done by any person soever, have not made any innovation as to jurisdiction and have thus confirmed the logical and natural maxim accepted by the preceding legislation whereby the competence of the tribunals of commerce is to be founded either *upon the status of the person*, in the sense that he who is clothed with the commercial character, in distinction from other private persons, is presumed to be bound by the sole fact of his commerce, or else *upon the nature of the act*, which act furnishes the ground for the suit and establishes the other presumption that the contracting party had wished, independently of his personal character, to subject himself both to the rigor of the law merchant as well as to the competence of the commercial tribunals;

Considering that, if the Egyptian code of commerce, in article 2—after having fixed the rules of competence of the tribunals—provides that the law consider as being a commercial act those acts that are indicated in said article, yet said code certainly did not contemplate nor could contemplate any acts other than those that should *be made* under the sway of the new law; that it no more contemplated nor could contemplate the alteration of an *already acquired* character, the alteration, namely, of the juridicial worth *already inherent* in an act done and consummated in the past, in an act, namely, which the former law, out of consideration for the above-named presumption, had already stamped with the character of a commercial act, and which as such must, both by the new laws (article 1, Egyptian commercial code*), as well as by the old ones, be subjected to the jurisdiction of the tribunals of commerce;

Considering that the determination of the inward worth, of the *virtuality* namely, of an act which founds an obligation, and of the consequences that arise out of it, belongs to the science of *material law*, to the complex of the laws *decisoriæ litium*, and not to the patrimony of *formal law*, whether of procedure or competence, that is to say, not to the complex of the laws *ordinatoriæ litium;*

Considering that it all the more plainly belongs to non-retroactive material law and not to the (retroactive) norms of competence to point out wherein consists the inward worth, commercial or non-commercial, of an act; seeing that there inheres in an act of commerce, not only the privilege of a more expeditious proceeding and of a special class of jurisdiction, but, also, according to various legislations, a complex of other guaranties and attributes belonging incontestably to the domain of material law, such as the more kindly measure of adjustment of interest by conven-

* ART. 1. The tribunals of commerce shall judge, 1st, all controversies relating to obligations and transactions between merchants, dealers, and bankers; 2d, controversies relating to act (instruments) of commerce between every sort of person;

tion or usage, the solidarity of obligation of the parties interested, special precautions to be observed for the preservation of rights growing out of the act, greater latitude in the choice of proofs, &c., all of them guaranties and attributes which, by a harmonious and indissoluble tie, characterize the act of commerce, and which would otherwise have to be denied in logical consistency to an act that, although defined as an act of commerce by the law under whose sway it had been born, is yet excluded from the enumeration of acts of commerce given in article 2 of the new code, if it so be that this article really belongs to the sphere of the laws of competence, and suffice, therefore, to strip the act of its inward commercial worth or character;

Considering that although single judicial decisions, under the influence of the peculiarity of special cases from which were not removed the accidents and surrounding circumstances that are not intrinsic to the cause now before us, may have taken cognizance of such accidents and surroundings in terms conforming less strictly to the principles of law above indicated; and that is what the tribunal of first instance would wish to have inferred from the grounds and reasonings of the court of Brussels in the year 1808, which decision, moreover, adds a conditional clause, whose import and signification escape our understanding, and from judgments pronounced from another chair (penal chair) under circumstances anything but parallel to the case in question; and although other more recent judgments may not have been so true to said principles, particularly that of October 23, 1812, of the *court de cassation* of Paris,* which declared the provosts' courts incompetent to take cognizance of facts submitted to their jurisdiction right after the decree of October 28, 1810, "because otherwise this would be to give the law a retroactive effect"—all single decisions lacking the array of exhaustive data that are undoubtedly to be found in the case now in hand—yet they could not have the force of jurisprudence contrary to a weighing of facts and rights strengthened by the letter and by the spirit of the laws at this time put into force in Egypt;

Considering, for these reasons, that the commercial tribunal of Alexandria was competent to take cognizance of the subject-matter even though the two drafts of the Daïra to-day under controversy would not represent a true operation of exchange within the meaning of article 2 of the Egyptian code of commerce, and hence would not have to be considered as acts of commerce, not even according to the new law, which, however, they incontestably are by the previous law;

Considering, as to the objection based upon the decree of April 6 last past of His Highness the Khedive, that in order to know what is the worth of this objection it is needful to recur to the examination, 1st, of the nature of the instruments under controversy, upon which instruments said decree is claimed to exercise its effect; 2d, of the influence that laws or administrative ordinances can exercise upon the action of the Egyptian tribunals for mixed suits;

Considering, on this head, that the instruments upon which Cesar Carpi founds his action for payment are documents furnished with all the requisites of letters of exchange,† inasmuch as they are expressly entitled with this name, are drawn by the Daïra Saniah of Cairo at Alexandria, are dated, set forth the name of the person who is to pay them, namely, the Egyptian ministry of finance, and to the order of whom, the time and the place, when and where the pay ment was to be effected, the value furnished in money—are in short documents, each one of which repe-

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*Dalloz, page 149, vol. xxx.
†Article 70 of Ottoman code.

sents a particular individual contract whose value and consequences at law are regulated by the code of commerce, by a law namely that has to deal essentially and exclusively with private law or right, with matters commercial;

Considering that by the terms of art. 34 of the *Règlement d'Organisation judiciaire*, which is the sole and unique law of the institution of the new Egyptian tribunals, these latter cannot, saving the derogations mentioned in said *Règlement*, apply in the exercise of their jurisdiction in matters civil and commercial (to which jurisdiction are subjected, by the terms of art. 10, the government, the departments of administration, the Daïras of H. H. the Khedive and of the members of his family in suits with foreigners) any other than the codes presented by Egypt to the powers, and only in case of the silence, insufficiency or obscurity of the law can they recur to the principles of natural right and to the rules of equity;

Considering that, by the terms of art. 12 of the Egyptian civil code no additions or modifications of the codes can be made under any form or guise whatsoever, unless by and with the advice of the corps of magistrates, or, if need be, upon their proposal, and this even subject to the limitation that during the five-year period no change can be made in the system adopted by the international contract in the premises;

Considering under such circumstances that the decree of April 6th last past cannot be applied by the Egyptian mixed tribunals as a law capable of modifying or attenuating the sway of the codes, and this solely because it was not issued under the conditions given in art. 12 of the civil code and with the concurrence of the competent factors;*

Considering that although it might be admitted, as a general thesis, that in the wording *Bonds and Assignations*, used in the decree of April 6, p. p., may also be comprised the drafts of the Daïra upon the Egyptian ministry of finance, as the accepting government claimed and as the drawing Daïra understands it to be;

That this decree thus applied to bills of exchange may contain within itself the conditions that characterize an administrative measure having obligatory effect for all inhabitants of the state, foreign and native, and entitled to the concurrence of the ordinary tribunals, that the measure, namely, not only emanate from the authority clothed with administrative power, but also refer as well to the subject-matter confided by the laws to the vigilance of that power;

That this decree thus applied may represent in fact the simple execution of the laws in force, and be in no respect in contradiction to the same;

That this decree thus applied may be the expression and the postulate of the general interest of the state, and tend to guarantee this general interest by imposing upon the interested parties the burdens of public exigencies with equal balance, and by making them participate with equal balance, in the benefits;

That this decree thus applied may have respected the double attribute which it is wished to have separated in every public administration, and which is briefly expressed in the words *jus imperii*, by virtue whereof a government in the *generality* and *impersonality* of this *jus* establishes norms or rules binding upon all, without touching upon exclusively special relationships initiated by contract with single persons, or classes of persons, and in the words *jus dominii vel gestionis*, whereby the

* ART. 12. Additions and modifications of the present law shall be edicted upon the concurrent advice of the corps of the magistracy, and if need be upon its proposal; but during the five-year period no change is to take place in the system adopted.

same government, according to the saying of Grotius, upheld by the most celebrated publicists, is not *integrum*, namely, representing society entire, but is rather *pars integri*, and hence is like every other citizen who cannot withdraw himself from the provisions of the general laws by which are regulatedthe relations of every individual of the civil commonwealth;

That therefore the Egyptian Government, by accepting on the 22d day of April, 1875, the drafts of the Daïra Saniah, which drafts fixed the obligation to pay thereon to the holder the amount at the time of falling due agreed to, and by purely and simply decreeing on the 6th day of April last past that this falling due, agreed to contractually, was to be held to be prorogued for three months, had exercised that wholly *objective* function which characterizes the public administration, that organic element, namely, of the state and impersonal being which co-operates in the great social movement, in that complex of doings, orders, operations, burdens and sacrifices which are forced upon it by the general interest, and which should be borne in right proportion by every citizen of the state, and had not rather exercised its other wholly *subjective* function wherein the public administration wishes to be considered as a civil person, as a juridical moral person equal with every other private person before the law, whether as to its rights or its obligations, and hence subjected, both by the general rule of every well-ordered and civilized state, as well as by the terms of article 10, title 1, of the *Règlement d'Organisation judiciaire*, like every other private person, to the ordinary judicial power;

That, in a word, although the decree under discussion may be, as a general thesis, properly an administrative measure that escapes the examination of the judicial power, yet such measure could not, for all this, hinder the Egyptian mixed tribunals from taking cognizance as to whether, and as to how far, an act of administration based upon such decree does or does not constitute an infringement upon the acquired right of a foreigner, and, if it does, from determining the judicial consequence, thereof;

Considering, in fact, that, if article 11 of the *Règlement d' Organisation judiciaire* forbids the Egyptian mixed tribunals from taking cognizance of claims upon the property of the public domain and from interpreting or stopping the execution of an administrative measure, that article expressly consents to their judging, in the cases that are provided for by the civil code, of the effects that an act of the administration might have upon the acquired right of a foreigner;

Considering that by the letter and the spirit of this provision which constitutes the reciprocal guarantee that the powers on the one side and the Egyptian Government on the other side, have, in such matters, wished to expressly introduce against the danger of a possible overstepping in any way of the legitimate confines assigned to the judicial power, and to the administrative power, the Egyptian mixed tribunals have, indeed, no right to call in question the doings of the administration, nor to pass upon the utility or even the justice of an administrative measure, nor to order the revocation or reform of such a measure, but have, however, incontestably the right, and hence the duty, to examine, in the cases provided for by the civil code, whether an administrative act in such cases has prejudiced a right acquired by a foreigner;

Considering, in the suit before us, that the holder of a draft has, by the terms of articles 76, 79, 97, 106, and 121 of the Ottoman Code of Commerce, in force at the time when the letter of exchange was subscribed by the drawer and by the acceptor, the authority to ask its payment at its falling due, and to bring his action, after fulfilling the for-

malities prescribed by the law, also against the drawer when the acceptor has not honored his acceptance;

That this right, inherent in the letters of exchange in question, was manifestly acquired by the Italian subject, Cesar Carpi, to whose order they were drawn and accepted, and that, therefore, the refusal to meet them at their falling due, based upon the governmental decree of April 6 last past, constituted an infringement upon such right acquired by the plaintiff under the protection of the civil laws;

That the Egyptian mixed tribunals are hence bound to take cognizance of such infringement and to fix the consequences thereof, without that the drawer, cited by virtue of the law (art. 76, Ottoman commercial code) to answer solidarily for the obligation assumed and not fulfilled by the acceptor, can ensconce himself behind the administrative act;

That, lastly, the juridical consequences of this infringement cannot in the special case before us consist in anything else than in the condemnation of the defendant, the drawer, and consequently the solidary guarantee of the obligation, to pay to the plaintiff the amount of the two drafts, otherwise not contested, together with interest thereon;

Considering that if the Egyptian mixed tribunals, instituted for rendering justice according to the laws agreed to by the authors of their institution, were bound to afford the concurrence of their authority to governmental ordinances which, being in contradiction with these very laws, would infringe upon rights acquired by a foreigner—then the provision of article 11 of the *Règlement d'Organization judiciaire* would be nothing more than a dead letter, and the independence of the tribunals would be nothing but an illusion;

Considering for these reasons that the objection against the competence of the judicial power to take cognizance of the suit ought notwithstanding to have been rejected;

Considering that according to the terms of art. 415 of the code of civil and commercial procedure, when the court of appeals reverses a sentence upon a question of competence, if the suit has been already heard ("*instructed*," *i. e.*, the evidence taken by the trial court), as has been done in this suit, it can take upon itself to go into the merits thereof and pass judgment;

Considering that the commercial tribunal of first instance fell into a manifest contradiction when it declared its own incompetence to take cognizance, in commercial session, of the subject-matter and at the same confirmed the order of April 12 last past, which order had rejected the request for a preservative sequester upon the movable goods of the debtor;

Considering, as to the merits of said request, that if art. 129 of the Ottoman code of commerce allows the creditor on a bill of exchange to sequester, by way of precaution, the movable goods of the drawer, of the acceptor, or of the indorser, it, however, imposes upon him the necessity of asking the permission of the tribunal of commerce to so do;

That it belongs to and is incumbent, therefore, upon the latter to judge as to the necessity for such a preservative measure, unless it is sought to make of the permission of the judge a mere formality;

That in this suit no cause was shown that was enough to justify the taking of such a measure, and much less before this bench, wherein the condemnation of the defendant renders the measure aforesaid superfluous:

For these reasons—

The court of appeals, having upheld its own competence, and rejected every contrary and greater instance, annuls the judgment of April 20,

1876, of the commercial tribunal of Alexandria, and taking upon itself to go into the merits of the case, condemns the Khedivial Daïra Saniah to pay to Cesar Carpi the sum of £549 and 15 shillings, being the amount of two bills of exchange drawn by it upon the Egyptian ministry of finance, by the latter accepted, and by the plaintiff protested for default of payment, as well as the interest on said sum at the rate of 12 per cent. per annum from the date of the day of protest until payment—

Sustains the order of April 12 last past of the judge on duty,* which order had rejected the request for a preservative sequester;

And condemns the Khedivial Daïra Saniah, the defendant, to refund the costs of first and second instanse, and of defense to the plaintiff, and also those due to the judiciary treasury.

May 3, 1876.

2.—*THE SURSOCK CASE.*

This was a case in which Messrs. Sursock Brothers, under German protection, bidders of bonds of the unified debt of Egypt, sued the Egyptian Government for the difference of interest payable on the semi-annual coupons of those bonds. The original issue having been made to bear 7 per cent. interest per annum, the Khedive subsequently, by decree, ordained the reduction of the interest payable thereon, first to 4½ per cent. per annum, and afterwards to 4 per cent.

Sentence of the Alexandria tribunal of first instance of the mixed tribunals in Egypt.

SURSOCK BROTHERS
vs.
THE EGYPTIAN GOVERNMENT.

(Translated from the original French.)

Whereas the definition of the relations between the state and the judicial power, viewed from the standpoint of civil responsibility, raises a question of a complex nature, according to how one considers the state in the divers manifestations of its proper activity, that is to say:

A. As the "supreme power," set at the head of the conduct of the general interests of society;

B. As either the "executive or administrative power," working for the execution or application of public laws and administrative regulations;

C. As a "civil or juridical person," acting within the sphere of private interests;

And as, without its being necessary to here examine the question from this threefold point of view, it is admitted by all theories and sanctioned by the jurisprudence of all countries that the doings of the state, proceeding in the line of general regulation, cannot open the way for an action for liability whenever, by reason of the object upon which they bear, such doings are to be considered as emanating from public authority "for the higher purpose of social preservation," and do not, furthermore, directly affect the individual right of ownership or property;

And as this fundamental principle of public law is founded upon the consideration that the acts "of social preservation" proceed essentially from sovereignty, and that they ought, therefore, like sovereignty itself, to be exempt from the consequences of a common law liability;

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* *i. e.*, the judge at chambers.

And as the notion of this power is not only justified in common law, but is also in conformity with the strict principles of private law;

And as, indeed, the social function of the state being a "thing of necessity" like the existence of society itself, it follows that the enactments established in execution of this function have the character of veritable cases of *vis major*, which excludes all idea of fault or responsibility;

And as, on the other hand, the requirements of society being ever variable according to times and circumstances, it cannot be admitted that the state, when it acts within the sphere of its social attributes, is to be considered as subjecting itself towards private persons to ties of legal obligation that would paralyze its future freedom of action and imply a partial renunciation of its rights to the detriment of supreme public necessity;

And as it follows herefrom that the action of the state, as a governmental power, does not in general affect "acquired rights" in the juridical acceptation of the term, but affects "private rights only" (which should yield before the requirements of public interest), to affect which cannot, according to the rules of civil law, be considered as constituting a principle whereon to base a judicial action for indemnity;

And it is of course possible that the state be mistaken in its conception of what is the general interest, but that in the exercise of its functions, if it may abuse its powers it would not therefore overstep its limits;

And as the guaranteeing of private persons against abuses of this kind is a matter that is wholly and solely dependent upon the mode of the organization of the sovereignty of a state, and upon the political institutions that are needed for securing the normal and regular exercise of such sovereignty;

And as, to authorize that recourse be had therefore before the judicial authority would be to transport the action of government into the tribunals, and place the sovereignty of the state in a body having defined powers and which is itself created by that very sovereignty for the special purpose of protecting private and individual rights;

And whereas it follows from these considerations that the ways and means adopted by the state, within the sphere of its social functions, can only imply engagements of a peculiar nature, destitute of that positive sanction which belongs to the obligations of private right, whereof the tribunals could not take cognizance without actually exceeding their powers;

And whereas, among those functions of the governmental power that come within the class of prerogatives hereinabove indicated, the first place is occupied by the organization of the public finances, and the choice of the financial measures that are indispensable to the regular working of the state and to the accomplishment of its natural ends;

And as when the government makes use of its credit for issuing a loan, it comes before the public not as a private person, but as a sovereign power clothed with the privilege of being not at all liable to judicial constraint;

And as the subscribers to the loan must furthermore be well aware that the first obligation of the state, which overrides all others and from which the state cannot withdraw itself, is that of providing, before all else, for those public expenses that are "necessary" to the maintenance of the social life; and whilst these expenses are themselves essentially subjected to change according to the exigencies of most divers events, the public revenues on the contrary are per force limited, inasmuch as they are made up of sums collected upon the revenues of private persons;

And as it follows herefrom that the special pledges that the state may set apart for the satisfaction of its debt—not to speak of the impossibility of realizing on them through the legal channels—can never represent in the eyes of creditors anything more than uncertain and aleatory guaranties;

And as it is quite evident that engagements offered under such conditions and freely accepted by the public cannot be made to establish, as between the state and the takers of the bonds, a relationship of contractual obligation, in the true sense, having the same legal force as juridical relationships arising out of contracts entered into with the state for purposes of private interest, as for example contracts for engaging the services of a person, for furnishing supplies, for undertaking public works and the like;*

And whereas the absolute right of the state in the organization and disposal of its public finances has been recognized by all authors and political economists that have treated of this matter, and whereas the contemporaneous history of most European countries furnishes examples of the exercise of this same right;

And as notably, during this very century, France, England, Austria, the Netherlands, Spain, Greece, &c., have been successively brought, by consideration of superior general interest, to modify to a greater or less extent the conditions of existence of their national debts, without in any of the said countries the holders of these debts having ever appealed to the tribunals neither to demand pecuniary reparation nor even to discuss therein the opportuneness of the use that the state had made of its prerogatives to the detriment of their individual interests;

And whereas it is under the sway of necessities of the same nature that the Khedivial decrees of May 7 and of November 18, 1876, were brought about in Egypt, and after them the successive reductions to 4½ and then to 4 per cent. of the interest of the unified public debt for the half years of May 1 and November 1, 1879;

And whereas the Egyptian Government is intrusted with the full and entire direction of the financial affairs of the country by the delegation of the rights of sovereignty of His Majesty the Sultan; and as there is therefore no doubt that the decrees here treated of, as well as the derogations that have been made thereto, bear the characteristics of acts of

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*Mr. Leroy Beaulieu, in his Treaty on Finance, tome II, page 188, expresses himself on this subject as follows:

"Another characteristic further distinguishes the credit of states from the credit of private parties; it is this, that the private borrower can be always constrained to pay the stipulated interest and repay at the time agreed to; it is not lawful for him to go back on his engagement or shirk it, at least not when he has sufficient means.

"There are tribunals and laws that cause contracts between private parties to be respected. As a borrower, the state is in a totally different position; it is indeed morally bound, but there is no positive sanction for the engagements it takes upon itself.

"It is itself the judge of its solvability; one cannot drag it before the magistrate; it itself examines its own resources and expenses and decides whether it can meet its obligations by exacting still greater sacrifices of its tax-payers, or whether it would be right for it to place itself in a state of failure and impose upon its creditors a settlement [concordât] that they are not free to refuse. Several times during the history of the finances of contemporaneous nations these sorts of compromises, obligatory upon the creditors of the state, have come to pass. It is of no use to say that this is an injustice and the violation of a contract. These phenomena grow out of the force of things.

"As the revenues of a state have no precise limits, and are made up of sums levied upon the revenues of the private individual, and as the lawful measure of these levies is in no way fixed by nature or by tradition, one conceives how it is that a state claims to be the best judge of the point where an increase of the taxes and the diminution of the expenses are impossible without causing grave disorder and without compromising the national life."—(Note by the renderer of the judgment.)

high administration, and are, as such, beyond the reach of all criticism on the part of the "native" holders of bonds of the Egyptian debt;

And as also the plaintiffs, in order to contest the obligatory force of these same measures as towards them, have availed themselves of the specific right conferred by the capitulations, according to which right foreigners, when living in an Ottoman country, are to enjoy the privilege of absolute extraterritoriality and are hence freed from all subjection to the local laws and the local sovereignty;*

And whereas this thesis is manifestly exaggerated and must be discarded as contrary to the most certain principles of the law of nations;

And as each independent state, whether belonging to Christendom or to countries outside of Christendom, is "necessarily" the seat of a real sovereignty, the essence of which is to be "territorial," that is to say, the essence whereof is to extend its sway over all those who inhabit its territory, without distinction between citizens and foreigners, saving the immunities recognized to the latter by diplomatic instruments or else sanctioned by usage sufficiently ancient to warrant the presumption that the state had recognized their existence;

And as these immunities are veritable restrictions to the principle of sovereignty, and the law of nations has hence assimilated them to the servitude of public law, *servitutes juris gentium*, whose application must be kept within the limits of the treaties or usages that have established them;

And as, if the immunities recognized within the possessions of the Ottoman Empire have a greater compass than in all other countries, it does not thereby follow, as the plaintiffs claim, that the local sovereignty in these dominions is divested, in its relations and dealings with foreigners, of every primordial principle of authority and has no other powers towards them than those expressly granted by special treaties or conventions;

And as this proposition, which would substitute the exception for the rule, is all the less sustainable in that the capitulations of the Porte originally had no other character than that of voluntary grants ("*octrois volontaires*"); and as, if later on they were confirmed by bilateral treaties having the force of international obligations, the very existence of these treaties already implies the unequivocal recognition of Ottoman sovereignty, with all its ordinary attributes, saving the rights and privileges "expressly conceded;"

And as, furthermore, this right of sovereignty, together with the prerogatives of internal administration that are carried along with it, has been the object of a formal reserve inserted into all the treaties of commerce entered into from 1838 to 1864 between the Sublime Porte and the foreign powers, under the sole restriction that "the exercise of its right of internal administration does not evidently infringe upon the privileges accorded by the ancient treaties or by the recent treaties to the citizens of * * * or their property";†

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* Argument for the Sursock Brothers, page 12: "The sovereign in the orient can exercise towards foreigners no right of sovereignty, for the conception of the latter is far too extended, and because he can exercise no authority that has not been consented to by treaty or by special convention. Outside of these, no law, no decree, can be of force for Europeans here residing, whilst in Christian states the foreigner is held to be a *subditus secundum quid* and does not there enjoy the right of extraterritoriality except by way of exception, that is to say, only as regards ministers and ambassadors. On the contrary, extraterritoriality is the rule in Moslem countries for foreigners, who are wholly free from all subjection to the sovereign of the land and to his laws, and can never be considered as subjects *secundum quid*."

† (NOTE OF TRANSLATOR.—Compare Article XXI of the treaty of 1862, between the United States and the Sublime Porte, with article 16 of the treaty of 1861, between France and the Sublime Porte.)

And as article 11 of the [Egyptian] "*Règlement d'Organisation judiciaire*" again recognizes these same principles in that it forbids the new tribunals to "interpret or stop the execution of an administrative measure," and expressly limits their competence in suits where administrative interests are involved "to the power of judging in the cases provided for by the civil code, infringements committed upon an acquired right of a foreigner through an act of *administration*";

And as, inversely to the thesis upheld by the plaintiffs, it is therefore impossible to utterly ignore the right of the Egyptian Government to edict, within the limits of the country's own constitution and within the bounds of the powers delegated by the Sultan, all laws of internal administration, obligatory as a matter of principle both for foreigners and natives, barring absolute respect for the rights and immunities recognized by ancient capitulations and by conventions of all kinds that have completed them;

And as these rights and immunities being founded upon "international laws," it follows therefrom that all acts whatsoever of the Egyptian Government, laws, *règlements*, or administrative doings, running counter to the same, without the formal consent of the foreign powers, must be considered as illicit administrative measures within the meaning of article 11 aforesaid, the application whereof to foreigners would open the door for an action at law for damages conformably with the common law of article 212 and *ff.*, of the civil code;

And as, after this wise, therefore, the right of intervention of the tribunals in weighing the acts of the government, viewed from the special standpoint of the violation of the capitulation rights, is necessarily subordinated to the following double condition:

A.—That the act, whatever it be, infringe upon the rights of foreigners in one of their particular immunities;

B.—That this act shall not have been legitimatized by the adhesion of the foreign powers, or, when it is a matter of simple additions or modifications to the capitulary laws ot the codes, by and with the advice and consent of the corps of magistrates (article 12 of the civil code);

And as it is evident, furthermore, that all acts, even when contrary to the law of the capitulations, but legitimated by the concurrence of the various wills that founded that law, would constitute acts of "full sovereignty"; that is to say, acts excluding all acquired rights, and against which individual interests would not be allowed to obtain redress through judicial channels;

And whereas, the theory of extraterritoriality having been thus brought back within its true limits, it remains to be examined whether, in the matter of the reguluting of the public debt, the law of the capitulations contains any provision restrictive to the sovereignty of the state, and of which restriction the plaintiffs, in their character as foreigners, could avail themselves for claiming a privileged and exceptional position;

And as to this question, we do not hesitate to reply in the negative;

And as, first of all, it would appear quite odd that the bonds of one and the same public debt, issued under identical conditions for all subscribers, indiscriminately, can be altered in their nature, and produce juridical effects differing according to the personal *status* of those who successively become the holders thereof;

And as the privilege that would justify such an anomaly would moreover stand completely outside the pale of the general capitulation guaranties, and as, in fact, it is nowhere written or implied, neither in the new Egyptian codes nor in the capitulations that have preceded them;

And as, aside from the stipulations relating to diplomatic and consu-

lar immunities, the ancient capitulations had manifestly no other aim than to further the vigor and activity of commerce, "by establishing in favor of foreigners coming and going," for the security of their persons and business relations, a set of special guaranties that they would not have otherwise met with to a sufficient degree in the application of the country's own laws and institutions;

And as these guaranties, although considerably enlarged since then, have, notwithstanding, kept their original nature, as well as their peculiar characteristic of specialty; and as they can be all summed up or classed as follows: Immunities for the free exercise of Christian forms of worship; inviolability of domicile; immunities in the matter of customs-duties, commerce, and industry; immunities in matters fiscal, by the indication of certain taxes legitimately due, to the exclusion of other imposts, the collection whereof is forbidden; immunities at law, consisting, as a matter of principle, in the maintenance of the consular jurisdictions in matters penal, and in the establishment of a mixed jurisdiction, applying a body of special laws in matters civil and commercial;

And as this enunciation alone is of itself sufficient to demonstrate, without the need of entering into a detailed analysis, that none of these guaranties contain the principle of a privilege which the plaintiffs could successfully invoke in the premises, and which would be of a nature fitted to paralyze the state in the exercise of one of its essential attributes of sovereignty;

And as, notably, one cannot establish the least analogy between a special guaranty, that protects foreigners against forced levies in the matter of imposts, and a general guaranty that would shield them against the unhappy outcomings of operations in public stocks undertaken quite voluntarily, and which can only rest upon personal faith in the solvability and credit of the state;

And whereas the plaintiffs, failing in their attempt to found their action upon the violation of a privilege growing out of the capitulations, have sought to show that, according to article 10 of the "Règlement d'Organisation judiciaire," whose provision includes no limitation, the tribunals of reform are (say they) invested, as towards the State and the departments of public administration, with a general competence extending to all suits, of whatsoever nature they be, provided that they come up under the form of a pecuniary interest;

And whereas, if this interpretation were to prevail, there would certainly be no public acts, and even those whose legitimacy would be most incontestable, for which the State would not be amenable before the tribunals;

And as such a system would be the complete upsetting of all hierarchy, and of the separation of powers; and as it would render impossible all government, by placing the general interest at the mercy, and under the absolute dependence of private interests;

And, as the plaintiffs here confound two quite distinct things, to wit, "the investiture" of competence and "jurisdiction properly so-called," or the matter over which this competence can extend its exercise;

And, as the "jurisdiction" of the mixed tribunals could not have been more clearly determined than by the indication of the very laws themselves, with the application of which they are intrusted; and as, according to article 34* of the *Règlement d'Organisation judiciaire*, whose pro-

*ART. 34. The new tribunals, in the exercise of their jurisdiction in matters civil and commercial, and within the bounds of that jurisdiction that has been allowed to them in matters penal, shall apply the codes presented by Egypt to the powers, and in case of the silence, insufficiency, or obscurity of the law, the judge shall abide by the principles of natural right and the rules of equity.

vision is general and extends indiscriminately to all cases of competence, the laws to be applied are those contained "in the codes presented by Egypt to the foreign powers"; now, the Egyptian codes, like the French and Italian codes, admit no "obligations," other than such as are engendered either from a contract or quasi-contract, or else from an unlawful act or quasi-unlawful act, "implying the violation of a right," and not the lesion of a simple "interest";

And as, moreover, article 11 of the *Règlement*, which has especially in view those obligations that arise out of illicit administrative acts, is in this respect most formal, and excludes every possibility of controversy;

And whereas the plaintiffs themselves have so well comprehended the necessity of founding their action upon an "obligation," properly so called and provided for by the codes, that the main burden of their argument has consisted in representing the decree of the 18th November, 1876,* as constituting between the creditors of the debt, on the one part, and the Egyptian Government on the other part, a "veritable civil contract," having given rise to bilateral engagements at common law, and for the execution whereof the law would afford to the parties the support of the judicial authorities;

And as, to the end of establishing the existence of such a contract, the plaintiffs have discussed at length the circumstances that preceded, accompanied, and followed the publication of the decree in hand; but as they have completely stripped it of its undeniable characteristics as a governmental act, not susceptible of being governed by the rules of private law, and belonging solely to the domain of politics or high administration;

And as it is needless to revert here to the considerations that have been above set forth, according to which the domain of high administration is "not to be ceded," and is placed under the tutelage of the state in order that the latter shall always administer the same freely, for the ends of public utility, without ever being able to dispose thereof in any measure whatsoever by private engagements that would expose it to a responsibility of a civil sort;

And as it is therefore of little import that the publication of the decree of November 18 had been preceded by negotiations between the authorized representatives of the state and the various groups of creditors, and that the provisions which are to be found therein established are no more than the exact sanction of an understanding come to by reason of the said negotiations;

And as these circumstances of fact could have no influence upon the character of the decree in itself, which character results irrefutably, if not from the legislative form in which it has been edicted, at the very least from its own intrinsic substance;

And as, even if it had been the joint intention of the negotiators to bind themselves by the ties of a civil contract, the contract would be certainly tainted with nullity, in that it is brought to bear upon an object that cannot become a matter for a private convention;†

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* If the present report is published by the Department, I request that there be here inserted, *as a note*, either the decree of November 18, 1876, or else Mr. Farman's dispatch, No. 79, of December 8, 1876; the decree is an inclosure accompanying that dispatch.—E. A. VAN DYCK.

† Neither has it been demonstrated that such was ever the intention of the representatives of the creditors in these negotiations. The chief one among them, Mr. Göschen, foreseeing the hypothesis of a violation of the financial decrees of 1876, seemed to admit no possible recourse but through the intervention of the foreign powers: "An absolute sovereign can, without doubt, break decrees; and extraordinary circumstances can sometimes hinder the execution of these decrees. I do not seek to exaggerate the

And whereas the rules of competence indicated in the present judgment are those that the tribunals have invariably applied in the exercise of the jurisdiction that has been conferred upon them by articles 10 and 11 of the *Règlement d'Organization Judiciaire;*

And as, in suits of every kind of which they have been seized against the state, and the departments of public administration, the tribunals have always required, as the first condition of their competence, that the action be based upon a "positive obligation" at common law, coming directly within the provisions of the Egyptian codes, that is to say, arising either out of a "convention properly so called," or out of "something done that carries with it the infringement of a right."

And as thus interpreted, articles 10 and 11 of the *Règlement d'Organization Judiciaires* contain nothing exorbitant, but on the contrary constitute a guaranty necessary and essential to the respect and sincere carrying out of the capitulations;

And as the obligation for the departments of public administration to answer civilly for their illicit acts, in so far as such acts infringe upon "private rights," is to be found in the legislation of all well-organized countries; and as these legislations differ amongst one another only as to the jurisdiction that is called upon to take cognizance of this kind of obligations;

And as it is for reasons easily to be understood that the authors of the *Règlement d'Organisation Judiciaire* have wished that suits of this nature be, in Egypt, made over to the ordinary mixed jurisdiction; and as it might be feared that, under existing circumstances, any innovation in this respect would not as yet be without its dangers;

And as the seeming anomalies brought out in the application of article 11 do not, therefore, pertain to the judiciary system in itself, but to the peculiar conditions under which Ottoman sovereignty is placed by the existence of the capitulations, in its dealings towards foreigners.

And as the latter possessing in Egypt special privileges stipulated by international laws, it follows therefrom that such law-giving decrees as would operate against their privileges, if lacking the formal concurrence of the foreign powers, have had to be necessarily considered by the tribunals as simple administrative measures, the application whereof to foreigners, in that it affects them in their rights, would give rise to a civil action for damages;

And as it is in this line of thought and in perfect conformity with these principles that the appeal court, by its final decision of May 3, 1876, in the suit of Caesar Carpi against the Daïra Sania of H. H. The Khedive refused to recognize the legality of the law-giving decree of April 6, proroguing the payment of the *bonds and assignations* of the said Daïrah upon the ministry of finance, which drafts were to have fallen due during the course of the months of April and May of the same year;

And as the court of appeals does, indeed, carefully state that the *bonds and assignations*, whereof Carpi claimed immediate payment, represented instruments fulfilling all its conditions necessary for stamping them with the character of a private contract of exchange according to articles 70 of the Ottoman code, and 110 of the Egyptian commercial code, and that they consequently constituted "veritable private,

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strength of the bonds that result from these guarantees; I know perfectly that all these regulations may be upset by an arbitrary act, but this act would have to be a sort of defiance thrown at public opinion and at the Powers which the Vice Roy called to his aid to carry out these reforms." Debt of Egypt, Mission of the Honorable G. J. Goschen, Paris, 1876.

individual conventions, whose juridical worth and consequences are regulated by the code of commerce; that is to say, by a law that has to do essentially and exclusively with private law;"

And as other passages of the same final decision confirm that the court was exclusively determined by the consideration that the financial decree of April 6 had directly infringed, in the cause brought by the plaintiff, upon a private right of a commercial nature, especially protected by the capitulations, whereof the Egyptian Government could not have validly disposed by its single authority without the concurrence of the foreign governments;

And as the Carpi decision, whereof the plaintiffs have made use in support of their action, is therefore relative to a subject-matter quite different from that of the present contestation; and as, far from justifying the claim of the Sursock Brothers, it is, on the contrary, of a nature fitted to cause the latter to be rejected by a declaration of absolute incompetence;—

For these reasons,

The Tribunal * * * declares itself incompetent * * *

The president:

DE BROWWER.

3. *THE ADIB CASE.*

This was a case in which Madam Adib, proprietress of rural land, sued *for damages* the executive or administrative branch of the Egyptian Government, in the person of the moudir (governor) of the Egyptian province called Garbieh, for seizing, administratively, *i. e.*, without a legal judicial sentence, certain crops standing on her lands for arrears of taxes due thereon.

Tribunal of First Instance of Alexandria.

(Translated from the original French.)

SUMMARY.

The functions of the state, in the matter of imposts, coming essentially within the domain of its administrative action, the exercise of these functions in such matter cannot be disturbed by any immixtion of the judiciary authorities.

The only mode of action at law by which foreigners can guarantee themselves against the illegal collection of taxes consists in an action for pecuniary reparation or for damages, founded upon the violation of an acquired right (articles 212 and ff. of the civil code).

The rights of foreigners, in matters fiscal, as to real property, consist in their not being subjected to the obligation of paying other imposts than those established to be levied from native owners of such property, and in its being their duty to pay according to the same mode of distribution and partition and according to the same procedure of execution as the natives, and none others.

ALEXANDER ADIP AND MARY ADIP, WIFE OF Gûbrân Gibéli,
against
H. E. THE MOUDIR [PROVINCIAL GOVERNOR] OF the Garbieh Province representing the Egyptian Government.

NICOLAS ARGIRI, AS THE REPRESENTATIVE OF Mr. Alexander Adip and of Madam Maria Adip, the latter authorized and assisted by her husband Gûbrân Gibéli,
against
H. E. THE MOUDIR OF GARBIEH, TAKEN IN HIS character as representative of the Egyptian Government.

The tribunal:

Whereas, by writ of the sheriff Salvatore Serino, dated the 19th day of November, 1880, Nicolas Argiri, acting as tutor of Alexander Adip and Madam Maria Adip (she assisted by her husband, Gûbrân Gibéli), did cause to be cited before this tribunal H. E. the Moudir of the Garbieh, taken in his character of representative of the Egyptian Government, to the end of hearing declared to be void and of no effect a seizure of standing crops, made on the 2d day of October of the same year by a delegate of the said Moudirieh [provincial government] for the purpose of obtaining the payment of a sum of 22,552 piasters tariff under the head of land taxes in arrear;

And as the plaintiffs have based their action hereupon, to wit, that the imposts claimed had been already paid in part, and that, besides, the administrative authority had made an error in the valuation thereof, regard being had to the quality of the lands taxed;

And as they have moved in a subsidiary manner for the appointment of one or more experts with a view to determining, after verifying the nature of the lands, the quota of the impost for which they might be made taxable;

And as Mr. Padoa, for the Epyptian Government, has declined the competence of the tribunal to try the said suit;

As to the plea declinatory of the competence:

Whereas the Hatti Humayûn of 7 Safar, 1284 (18 June, 1867, Imperial Rescript), in according to foreigners the right to possess immovable goods in the Ottoman Empire, has taken care to subordinate the legal exercise of this right to a set of conditions the import whereof is that a parcel of real property cannot by the fact of its being held by a foreigner be withdrawn from the reach of the fiscal laws and laws of police to which real properties possessed by natives are subjected;

And as among the said conditions figure more especially the following, to wit:

1. That foreigners shall be subjected to the payment of the same imposts as those established or to be established for local subjects;

2. That in all that which touches the rights and obligations of an owner of real estate foreigners are to come directly under the territorial authorities, both as plaintiffs and defendants, under the same head and in the same forms as local subjects do without being able to claim any privilege by reason of their nationality, and under the sole reserve of the immunities theretofore acquired for the protection of their persons and their movable goods;

And as it is incontestable that under the sway of this legislation the local authorities are alone competent to pass upon suits between the government and foreigners of every kind relating to taxes upon real property, whether as to their assessment, their quota, or their collection;

And as it is therefore incumbent to find out whether this state of matters has been modified by the later laws of competence set forth in the *Règlement d'Organisation Judiciaire* of 1875, and, in case it has, to determine what is the import, and what are the legal consequences of such modifications;

Whereas if article 10 of the said *Règlement* provides in a general manner that the Egyptian Government shall be amenable to the mixed tribunals in its suits with foreigners, the competence is, however, not entire, except for the trial of contestations arising out of functions in the accomplishment whereof the state acts, not as the public power proceeding in the channels of internal administration, but as a civil individuality xercising its rights over its private domain;

And as, in relation to acts of the first category, article 11 of the said *Règlement* denies to the mixed tribunals all competence for taking cognizance thereof for the purpose of annulling or modifying them, or for paralyzing the execution of the same; and as, if these tribunals can be called upon to judge of their legality, this is only from the exclusive standpoint of an action for damages and interest which such an execution might give rise to in the cases provided for by the civil code; that is to say, when the administrative measure has caused an infringement upon an acquired right of a foreigner (articles 212 and ff. of the civil code);

Whereas the functions by which the state proceeds to establish, recoup, and collect the taxes belong essentially to the sphere of its administrative action, and as it behooves us, such being the case, to decide by applying the principles hereabove set down, that suits relating directly to the exercise of the said functions are, by their very nature, beyond the reach of the competence of the mixed tribunals, and that the one and only mode of *action at law* whereby foreigners can guarantee themselves against the illegal collection of taxes consists in an action for pecuniary reparation, founded upon the violation of an acquired right;

Whereas the acquired rights of foreigners in fiscal matters of real estate are none other than those recognized in their behalf by the law already mentioned of the 7th of Safar, 1284, which law constitutes the very title of their right to own real property, and of which the provisions have furthermore acquired the force of an international convention by and through the protocol of adhesion thereto of the powers, dated the 5th of November, 1868;*

And as the fundamental principle of this law, consisting in a perfect assimilation of foreigners to local subjects, there arises herefrom for them the right to pay no impost other than those imposed upon these latter, and not to pay the same otherwise than according to a mode of assessment and procedure of execution the same as that employed towards these latter;

Whereas, the suit whereof the tribunal is now seized does not come up to any one of the conditions of an *action at law*, as hereabove defined; and as the tenor of the suit is, on the contrary, in the direction of a revision of the role of assessment of the amount to be levied, and in the direction of the annulling of a seizure made by the state within the forms prescribed by the Khedivial order in council of the 25th

* The United States adhered to the protocol in 1874. They were the last of the powers, except Russia, to accept of this protocol. [Note by the translator.]

March, 1880, that would constitute a direct shackle upon the very collection of the tax; and as, consequently, the judicial authorities, by upholding their competence to take cognizance thereof, would be guilty of a usurpation upon the domain of the administrative authority—

For these reasons:

The tribunal,

Having heard the argument of the public ministry,* declares itself incompetent;

Refers the plaintiffs to seek relief of whomsoever has the right to afford it them;

Condemns them in the expenses, both judiciary and extrajudiciary.

Done and pronounced at the public audience of the Civil Tribunal of First Instance of Alexandria, on the 5th day of April, 1881, at which audience were present Messrs. De Browwer, president; Hills, Moriondo, Chimy Bey, Dimitri Bishara, judges; Reizian, substitute judge; and Morgantini, clerk of the tribunal.

4. *THE AITKEN CASE.*

[Taken from the supplement to Egyptian Gazette, No. 83.]

Her British Majesty's consular court.

IMPORTANT JUDGMENT.

The judgment delivered a few days ago by Mr. Charles A. Cookson, the judge of Her Majesty's chief consular court for Egypt, at Alexandria, in the matter of the bankruptcy of Mr. J. T. Aitken, is sufficiently important to justify us in publishing it in full, deciding as it does an interesting question as to the jurisdiction of the consular court in matters relating to real property in Egypt since the institution of the Tribunals of the Reform.

The matter came before His Honor in the form of a motion on the part of the Mansourah Trading Company, Limited, to compel Mr. Duke Baker, the trustee† under the bankrupcy, to complete a contract, alleged to have been entered into by the bankrupt for the sale of a house at Mansourah, but not registered, as required by the Egyptian code.

Mr. J. K. Grosjean appeared for the company, and Mr. C. Royle opposed the application on behalf of the trustee.

The judgment of the learned judge was as follows:

This motion asks for a mandatory injunction to the trustee ordering him to execute a formal transfer in the Egyptian Land Registry of certain landed property alleged to have been sold to the company by the bankrupt in February, 1880, more than ten months before his petition in liquidation was filed.

A preliminary objection to the jurisdiction of the court has been taken by the learned counsel for the trustee and I directed the point to be argued separately. The argument against the jurisdiction rests on the express terms of article 9 of the "*Reglement d'Organization Judiciaire*" of the mixed courts, which is as follows:

Ces tribunaux connaîtrons seuls de toutes les contestations en matière civile et com merciale entre indigènes et étrangers de nationalités différentes en dehors des status personnel. Ils connaîtrons aussi de toutes les actions réelles immobilières entre toutes personnes, même appartenant à la même nationalité.‡

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* Represented by the "*Procureur Général*" or his substitute, *i. e.*, attorney for the State.

† Both the Mansourah Trading Co., Limited, and Mr. Duke Baker are British in nationality. This is why the suit came before the British consular court at Alexandria, and not before the reform tribunals.

‡ For English translation of this article see above page — ante.

The last sentence giving jurisdiction to the mixed courts in real-property suits between foreigners of the same nationality it is argued that the jurisdiction of this court is included by the order in council of 5th February, 1876. That order was as follows:

> As regards all such matters and cases as arise after the time when the Egyptian courts aforesaid begin to sit and act judicially and as come within the jurisdiction of these courts, the opera ion of the order of Her Majesty the Queen, in council for the regulation of consular jurisdiction in the dominions of the Sublime Porte, made at Windsor, the 12th December, 1873, and of any orders amending the same, shall be and the same is hereby suspended until it shall seem fit to Her Majesty the Queen, by and with the advice of her privy council, to otherwise order.

It was asserted on the part of the company that there is at any rate up to a certain point a jurisdiction in this court in matters arising out of a bankruptcy which it has itself declared. Under section 72 of the bankruptcy act of 1869, the power of the English bankruptcy court to order the trustee of a bankrupt vendor specifically to perform the contract on his part is, I think, undoubted. It clearly comes within the principle laid down by the court in *ex parte* Fletcher, 9 A. D., p. 381.

But the reason of that rule has no application in this court which would have exclusive jurisdiction in cases between British subjects, even if the rule did not exist.

Again, it is contended that bankruptcy affecting the *status personnel*, the jurisdiction of the mixed courts is expressly excluded in all cases arising out of it.

But here there is a distinction to be made *in limine*. Even admitting that adjudication in bankruptcy in theory belongs to the forum of *status personalis* of the bankrupt, it by no means follows that all questions arising out of the bankruptcy between the bankrupt and his creditors are within the term *status personnel* of article 9 of the "*Règlement d' Organization Judiciaire*." The exclusive right of the consular courts to adjudicate the bankruptcy of foreigners as affecting their personal status has by practice in this country been surrendered by the powers who were parties to the judicial reform in Egypt. Numerous instances have occurred of foreigners being adjudicated bankrupts by the mixed courts. Indeed these have claimed exclusive jurisdiction in all cases of bankruptcy where all the creditors, as well as the foreign bankrupt, are not of the same nationality. In my opinion this claim is unfounded, and the most that can be allowed them is concurrent jurisdiction in cases where the consular tribunal having already adjudicated, creditors of different nationality turn up in the course of the administration. It is, therefore, now too late to contend for an absolutely exclusive jurisdiction in the consular courts in the case of foreign bankruptcies on the ground of its affecting the personal status of the bankrupt.

It is true that in this case the parties are British subjects, and therefore the usual reason for the claim of jurisdiction by the mixed court does not exist. But the infringement made on the general principle certainly should make me more cautious in extending it.

In this case the exclusive jurisdiction of this court over the personal status of the bankrupt as a British subject is said to come directly into conflict with the exclusive jurisdiction given by the order in council of February, 1876, to the mixed courts in all cases which come within their constitutional character. For among these cases article 9, of the "Règlement judiciaire," expressly mentions suits relating to real property between foreigners of the same nationality. The question therefore, it is argued, is which of these two principles of exclusion should override the other. But I cannot accept this way of putting the case as correct.

For what is the true meaning of each of the rules which are said to come into collision?

The principle on which the judicial reform gave jurisdiction to the mixed courts in cases of real property between foreigners of the same nationality is perfectly clear. It was one which did not in the least restrict any jurisdiction before existing in this court. The jurisdiction by the operation of the protocol attached to the law of 7 Safar, 1284, was vested solely in the local courts, and the "Règlement d'Organisation judiciaire" only transferred this jurisdiction to the mixed courts. On the other hand, what is the nature of the rule by which jurisdiction is given to the English bankruptcy court in cases of real property arising during the bankruptcy? Merely a rule of convenience, having no application out of England. It is not because the question relating to real property belongs to the sphere of personal status that jurisdiction is claimed for this court, but because the municipal law of England has given jurisdiction to the bankruptcy court in those cases which, but for that, might have come within the jurisdiction of other courts situated in that kingdom. Neither therefore as having exclusive jurisdiction over British subjects in bankruptcy, nor still less as having it exclusively in all cases arising out of the bankruptcy, can this court claim to take cognizance of this demand relative to real property.

When the argument on which this motion is founded is put in its naked form it comes to this; bankruptcy belongs to the forum of personal status. This question is one of bankruptcy, therefore it belongs to that forum. But the fallacy of the argument is obvious when we consider what the present question is. It is one of real as opposed to personal property. It is therefore a contradiction in terms to affirm that a question of real property can belong to the personal status. Personal status is the aggregate of rights and duties, with the capacities attached to them, which follow the person wherever he goes. Now, how can a right to real property be one of these capacities or rights? It is according to universal international jurisprudence, determined by the *Lex rei sitæ*, and cannot therefore belong to the law of personal status. To contend that a right to real property belongs to the law of personal status is to upset the very definition of personal status.

This question, therefore, does not belong to the law of personal status at all, and there need be no such conflict of jurisdiction as has been contended for. It is a question, simply, of real property, and not the less exclusively of that character because by English bankruptcy law it would be determined by the bankruptcy court instead of by the courts of law or equity.

The motion must be dismissed with costs.

CONCLUSION.

From a careful study of the foregoing highly authoritative judicial decisions, and of the history, spirit, and contents of the old capitulations and more recent treaties and protocols entered into between the powers of Christendom and the Ottoman Porte, it becomes apparent, conclusively apparent to my mind, that the privilege or prerogative of extraterritoriality enjoyed by foreigners of Christendom dwelling in the Ottoman dominions is an exceptional one, having as the ground and source of its existence the difference of religion--Christianity, Mohammedism—between Christendom and Islâm, and having for its legal basis no other positive sanction than that contained in these international treaties and other instruments that have at once given birth to it and define, with

minute enumeration, the several heads to which it applies. In other words, that only those privileges are to be enjoyed by foreigners in the Levant that are expressly and exceptionally granted them in the old and new capitulations or that have been allowed them by the sovereign territorial authority, by long-standing usage that has gradually come to be acquiesced in by that authority, and can hence be considered as having acquired the force of sanctioned though unwritten law.

The rule being that the territorial authority and laws of a state are sovereign, and the exception being that foreigners on Ottoman soil are exempt from subjection to those laws and that authority only in so far as the Sublime Porte has expressly and positively agreed or tacitly consented to grant to them certain specific exemptions, it follows that the privilege of extraterritoriality of foreigners in Turkey is limited, is defined by, and is contained in, those instruments of agreement, and that hence whenever it is wished to be known what are those privileges, one has only to refer to the text of the whole body of the capitulations, and what is therein explicitly granted is all that foreigners have a perfect right to claim, and that, on the other hand, whatever is not positively ceded to them therein, belongs undoubtedly to the domain of the territorial laws and authorities.

Finally, I will close this already too lengthy report by calling attention to the nature of the consular courts of the United States in non-Christian countries. These courts could not exist were it not for the fact that, by treaty, the territorial authority has agreed to permit them to be established on its soil, and has, by treaty also, defined the limits and extent of their jurisdiction. Nor could they exist were it not that acts of Congress have created them and defined their functions, jurisdiction, competence, and powers. They are, therefore, in the fullest sense, courts of limited jurisdiction; that is to say, they have no powers or jurisdiction other than those allowed them by the international treaties, and positively conferred upon them by the acts of Congress in the premises.

And this being so, consuls in the east cannot be too careful how they exercise their functions of judge-consuls; they will save themselves and their superiors much needless embarrassment by always consulting the treaty, the protocol, the "règlement," and the act of Congress relevant to the case they may have under consideration, and by never proceeding to take a single step, preliminary, secondary, or ulterior, until they have found in some positive instrument or enactment an express authorization empowering them to take such a step.

EDWARD A. VAN DYCK.

CAIRO, *December*, 1881.

47TH CONGRESS, 1st Session. } SENATE. { EX DOC. No. 88.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, of the 27th ultimo, with accompanying papers, on the subject of the confirmation of the homestead entries of certain lands in the Marquette district, Michigan, made by Hugh Foster and John Waishkey, jr.

FEBRUARY 3, 1882.—Read, referred to the Committee on Public Lands, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the Secretary of the Interior of the 27th ultimo, with accompanying papers, on the subject of the confirmation of the homestead entries of lands in the Marquette district, Michigan, made by Hugh Foster and John Waishkey, jr.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 3, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1882.

SIR: I have the honor to submit herewith, in duplicate, for the consideration of Congress, draft of a bill, with accompanying papers, for the confirmation of homestead entry No. 1790, made at the United States land-office at Marquette, Mich., on the 22d March, 1879, by Hugh Foster. This entry was made under instructions inadvertently issued by the Commissioner of the General Land Office, when the land was in a state of reservation under the act of March 3, 1875 (18 Stat., 516), and before it had been restored to market.

I also submit, in duplicate, draft of a bill for confirmation of homestead entry No. 1828, made May 8, 1879, at the same office, by John Waishkey, jr., under like circumstances.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

A BILL to confirm the homestead entry of Hugh Foster.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That homestead entry numbered one thousand seven hundred and ninety, made at the United States land-office at Marquette, Michigan, March twenty-second, eighteen hundred and seventy-nine, by Hugh Foster, upon the south half of the northeast quarter and north half of the southeast quarter of section ten, in township forty-seven north, of range two east, under authority of the instructions of the Commissioner of the General Land Office to the local officers, dated July second, eighteen hundred and seventy-eight, and recommended for confirmation by special act of Congress by the Secretary of the Interior in a decision on the case rendered November eighteenth, eighteen hundred and eighty-one, be, and the same ishereby, confirmed, as of the day of the date of said entry: *Provided, however*, That due proof of compliance with the provision of the homestead law shall be made in the usual manner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 13, 1881.

SIR: In compliance with the request contained in your letter of November 18, 1881, deciding on appeal that homestead entry No. 1790, made by Hugh Foster at the Marquette, Mich., land office, March 22, 1879, under instructions to the local officers from this office dated July 2, 1878, was invalid by reason that the land which was reserved under the 2d section, act of March 3, 1875, had not been restored to the public domain as therein provided for at the date of said entry, I have the honor to inclose herewith for transmission to Congress the draft of a bill confirming said homestead entry, together with accompanying papers, viz:

Copy of Commissioner's letter to local officers authorizing certain entries, July 2, 1878.

Copy of Commissioner's decision holding the homestead entry of Hugh Foster for cancellation, May 3, 1879.

Copy of Secretary's decision, November 18, 1881.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 2, 1878.

GENTLEMEN: I am in receipt of a letter from Guy H. Carleton, esq., dated at Sault Ste. Marie, Mich., the 21st ultimo, requesting me to advise you as to whether or not the south half of northeast quarter and northeast quarter of southeast quarter of section 10, township 47 north, range 2 east, are subject to homestead entry.

In compliance with the request of Mr. Carleton, I have to state that I am in receipt of a letter under date of February 20, 1878, from the Acting Commissioner of Indian Affairs, stating that there is no Indian claim to the above-described land. If upon examination of your records you find no interfering claim to said lands, they will be subject to homestead or pre-emption entry by the first legal applicant.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

REGISTER and RECEIVER,
Marquette, Mich.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 3, 1879.

GENTLEMEN: Homestead entry No. 1790, March 22, 1879, in the name of Hugh Foster, for the north half of southeast quarter and south half of northeast quarter, section 10, township 47 north, range 2 east, is this day held for cancellation for the reason that the land embraced therein is not subject to entry.

On the section in question, although not embraced in the reservation, certain Indians had made selections of land, and sec. 2 of the act approved March 3, 1875, provides as follows:

"That all Indians who have settled upon and made improvements on section ten, in township forty-seven north, range two east, and section twenty-four, in township forty-seven north, range three west, Michigan, shall be permitted to enter not exceeding eighty acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land-office at Marquette, Michigon; and when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said sections shall be restored to market."

In the office circular of March 18, 1875, promulgating the act above referred to, the local officers were instructed to treat the land embraced in the two sections as *reserved from any other disposal* than that for which the act provides, and at the expiration of one year from its passage—which was considered ample time for the Indians to avail themselves of the provisions thereof—the register and receiver were directed to report any vacant tracts remaining in said sections ten and twenty-four for restoration to market.

No report appears to have been made by the local officers, and the lands have not been restored to market.

You will inform Mr. Foster of the above decision, and allow him sixty days within which to appeal, and in the event of the cancellation of his entry he will be allowed to make a new one, with credit for fee and commissions already paid.

You will make an investigation, first notifying the United States Indian agent for the tribe to which said Indians belong, in order to ascertain whether any Indian claims exist upon said lands, as contemplated by the act, and report result of such investigation to this office, in order that any vacant lands remaining may be restored to market.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER and RECEIVER,
Marquette, Mich.

DEPARTMENT OF THE INTERIOR,
Washington, November 18, 1881.

SIR: I have considered the appeal of Hugh Foster from your decision of May 3, 1879, holding for cancellation his homestead entry of March 22, 1879, upon the north half of the southeast quarter and the south half of the northeast quarter of section 10, township 47 north, range 2 east, Marquette, Mich., because at the date of said entry said lands were reserved from any other disposal than that provided by the second section of the act of March 3, 1875 (18 Stats., 516), which provides that all Indians who have settled upon and made improvements on said section 10, and other sections therein named shall be permitted to enter not exceeding 80 acres each, upon making due proof therefor, "and when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said sections shall be restored to market."

Your circular of March 18, 1875, under this act, required the local officers, at the expiration of one year from its passage, to report any tracts which might then be vacant, that they might be restored to market. If such report has been made, said lands have not yet been restored.

It appears, however, that on July 2, 1878, your office advised the local office that if no interfering claim to the lands named in said section 2 appeared on their records, they would be subject to filing and entry, under the pre-emption and homestead laws, by the first legal applicant therefor. These instructions, as you state in your letter of May 3, 1879, were not intended to change the rule in respect to the restoration of lands to market, but were inadvertently issued. They were, nevertheless, in force at the date of Foster's entry, who appears to have made the same by virtue thereof. It does not appear to what exent, if any, he has improved the tract; but whether much or little, he should not suffer in his rights or property from the inadvertency of your office.

I am neither disposed to waive the general rule respecting the restoration of lands to market, which has been in force for many years, nor to spare suitable action for relief of Mr. Foster. I therefore request you to prepare a bill for submission to Congress, which may secure his rights and validate his entry as of the day of the date thereof.

The papers transmitted with your letter of July 19, 1881, are herewith returned.

Very respectfully,

S. J. KIRKWOOD.
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 16, 1881.

SIR: I have the honor to inclose herewith, for transmission to Congress, the draft of a bill confirming homestead entry No. 1828, for the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47 north, range 2 east, Michigan, made May 8, 1879, by John Waishkey, jr., for reasons set forth in my letter C, of the 14th instant, to you on said subject.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

A BILL to confirm the homestead entry of John Waishkey, jr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That homestead entry numbered one thousand eight hundred and twenty-eight, made at the United States land-office at Marquette, Michigan, May eight, eighteen hundred and seventy-nine, by John Waishkey, jr., upon the south half of the southeast quarter and south half of the southwest quarter of section ten, in township forty-seven north, of range two east, under authority of the instructions of the Commissioner of the General Land Office, dated July second, eighteen hundred and seventy-eight, be, and the same is hereby, confirmed as of the day of the date of said entry: *Provided, however*, That due proof of compliance with the provisions of the homestead law shall be made in the usual manner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 14, 1881.

SIR: I have the honor to hereby recommend that homestead entry No. 1828, for the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47 north, of range 2 east, made by John Waishkey, jr., at the Marquette, Mich., district land-office, May 8, 1879, and held for cancellation September 16, 1879, on the same ground that homestead entry No. 1790 was so held, be incorporated in the bill confirming homestead entry No. 1790, the draft of which bill was inclosed in my letter C to you of the 13th instant, for transmission to Congress. The land covered by said entry No. 1828 lies in the same section, township, and range as that covered by homestead entry No. 1790, and I think Mr. Waishkey is entitled to the same relief that is sought in behalf of Mr. Foster by the bill before mentioned.

I inclose herewith a copy of the letter of September 16, 1879, holding entry No. 1828 for cancellation.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 16, 1879.

GENTLEMEN: Referring to my letter of May 3, 1879, holding for cancellation homestead entry No. 1790, in the name of Hugh Foster, covering the north half of the southeast quarter and south half of the northeast quarter of section 10, township 47 north, range 2 east, for reason therein stated, I am in receipt of your letter of the 13th ultimo, inclosing one from Foster's attorney relative thereto.

You cite as your authority for allowing said entry a letter from this office of July 2, 1878, stating that the tracts above mentioned were subject to homestead entry, &c. The letter referred to was inadvertently written of the tenor that it was, as the tracts were not subject to such entry under the law.

Section 2 of the act of March 3, 1875, quoted in my letter of May 3 last, is specific in its provisions, and the land embraced in section 10, township 47 north, range 2 east, and section 24, township 47 north, range 3 west, is not subject to entry or location, except by Indians, as therein provided for, until the same shall have been *restored to market.* The subsequent act of May 23, 1876, has reference only to lands formerly within the Indian reservation, and does not apply to the sections mentioned above.

Homestead entry No. 1828, covering the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47, range 2 east, in the name of John Waishkey, jr., is similarly situated in this respect with that of Hugh Foster, and is also this day held for cancellation for reasons stated at length in my letter of May 3, 1879, with regard to the latter.

You will inform the parties to the entries above, allow the usual time for appeal, and report action in the premises to this office.

You will carry out the instructions contained in the last paragraph of my letter of May 3 last, relative to investigating whether any Indian claims exist in said sections, in order, that, if so, they may be adjusted, and thereafter the remaining lands restored to market, as contemplated in the act of March 3, 1875.

In case you find that your predecessors have made any report bearing on the matter, communicate the fact to this office, giving the date of such report.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER and RECEIVER,
Marquette, Mich.

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MDZ Münchener DigitalisierungsZentrum Digitale Bibliothek

Senate documents

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